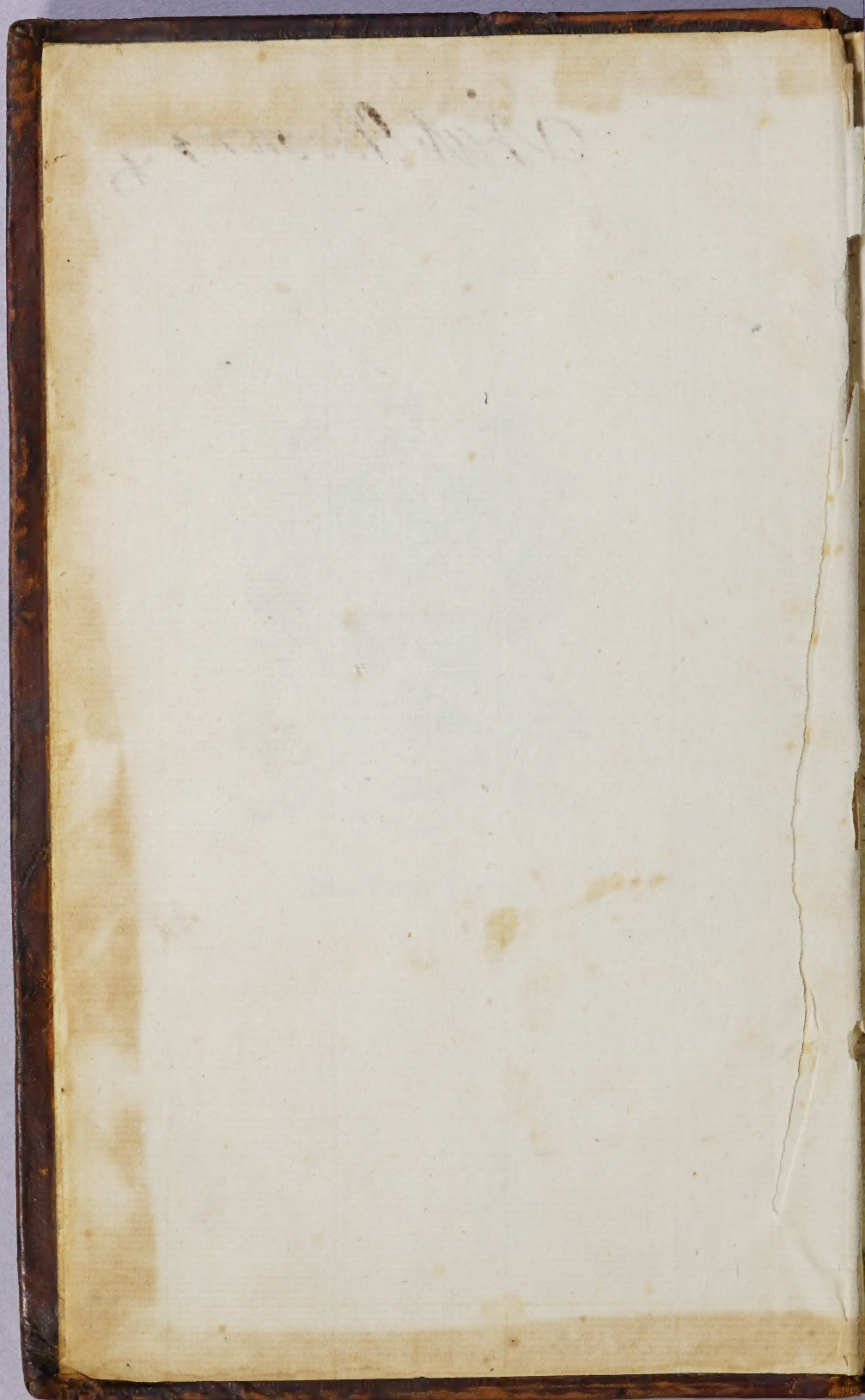


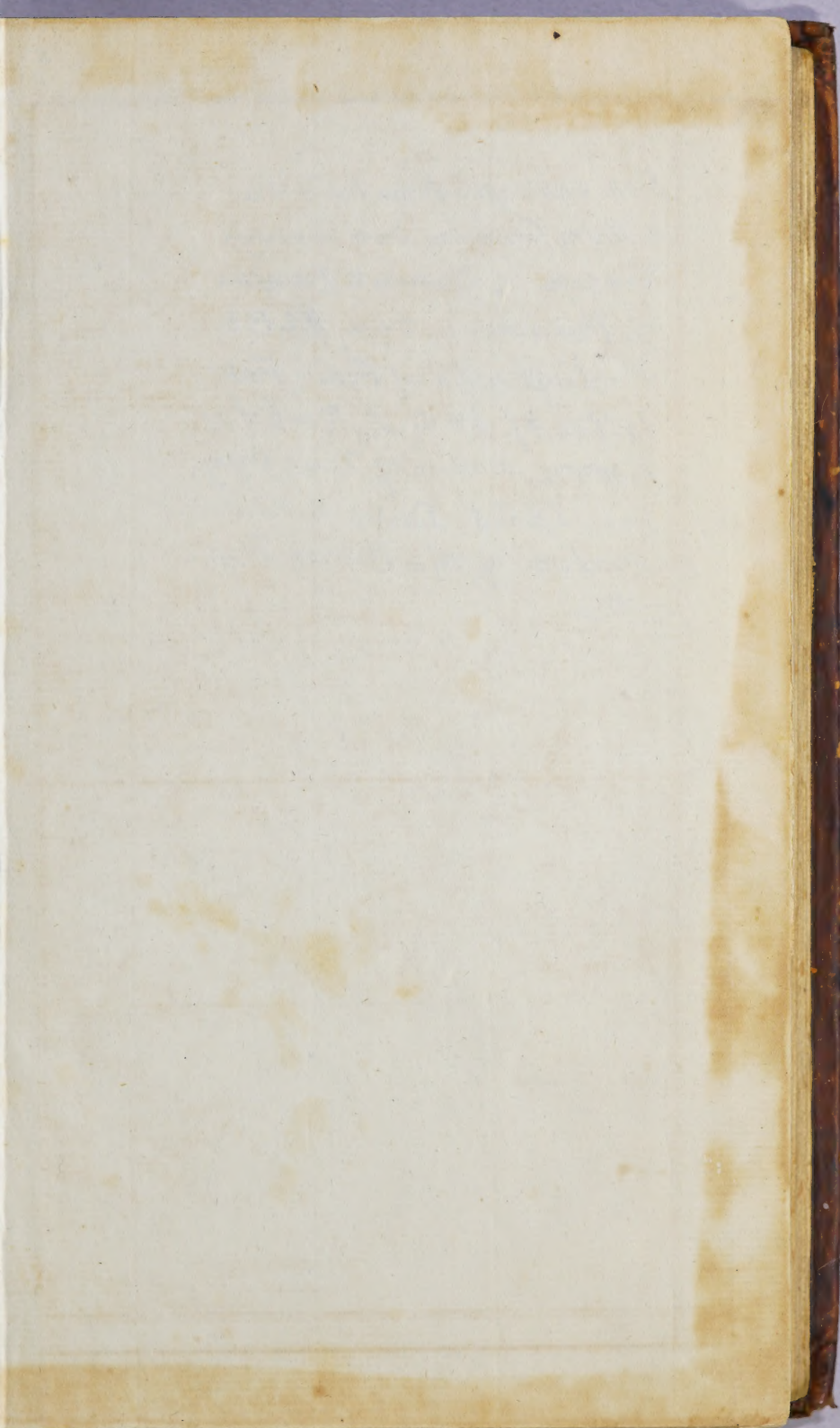
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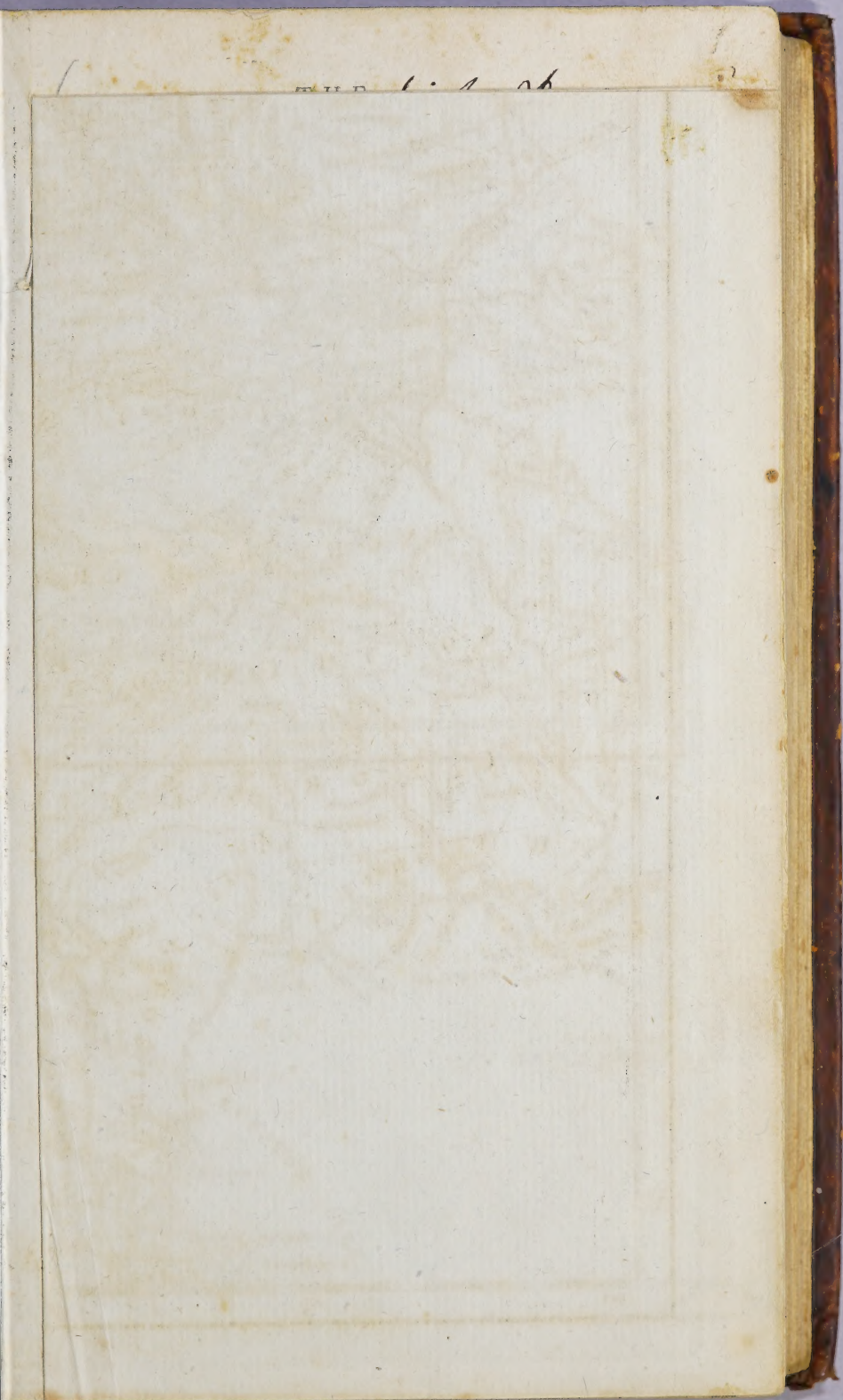
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Rich. Brown's 4





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For correspondence between
William Gordon and George
Benson of Brown & Benson
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Bibliographical File. For
letter of W. G. to Nicholas
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THE *John Carter Brown*
HISTORY *Book*
OF THE
RISE, PROGRESS, AND ESTABLISHMENT,
OF THE
INDEPENDENCE
OF THE
UNITED STATES OF AMERICA:
INCLUDING
AN ACCOUNT OF THE LATE WAR;
AND OF THE
THIRTEEN COLONIES,
FROM THEIR ORIGIN TO THAT PERIOD.
By WILLIAM GORDON, D.D.

QUID VERUM **** CURO, ET ROGO, ET OMNIS IN HOC SUM.
HORAT. Ep. 1 Lib.

IN FOUR VOLUMES.

VOL. I.

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M DCC LXXXVIII.

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1

RPJCH

P R E F A C E.

HISTORY has been stiled, “ The evidence of time—The light of truth—The school of virtue—The depository of events.” It is calculated for the purposes of showing the principles on which states and empires have risen to power, and the errors by which they have fallen into decay, or been totally dissolved: and of pointing out the fatal effects of intestine divisions and civil wars, whether arising from the ambition, weakness, or inattention of princes; or from the mercenary disposition, pride, and false policy of ministers and statesmen; or from mistaken ideas, and the abuse, of government and liberty. It should oblige all, who have performed any distinguished part on the theatre of the world, to appear before us in their proper character; and to render an account of their actions at the tribunal of posterity, as models which ought to be followed, or as examples to be censured and avoided.

The instructions that events afford, are the soul of history; which doubtless ought to be a true relation of real facts during the period it respects. An essential requisite in an historian is the knowledge of the truth; and as in

P R E F A C E.

order to perfection he ought to be superior to every temptation to disguise it, some have said, that "he should have neither country, nor particular religion." The compiler of the present history can assure the public, that he has paid a sacred regard to truth, conscious of his being answerable to a more awful tribunal than that of the public; and has labored to divest himself of all undue attachment to every person, country, religious name or profession; whenever the reader is inclined to pronounce him partial, let him recollect, that he also is subject to the like human frailty. A regard to truth has often restrained him from the use of strong and florid expressions, that he might not impose upon the reader a pleasing delusion, and lead him into false conceptions of the events undertaken to be related.

The following work is not confined to the contest between Great Britain and the United States of America, but includes all the other parts of the war which originated from that contest.

In the beginning of the first letter, the reader is acquainted with the reasons that produced an historical account of the first settlers in the Thirteen Colonies, and of their successors, down to the close of 1771. The insertion of what followed to the commencement of hostilities, was necessary for the connecting of the two periods.

The

P R E F A C E.

The form of letters, instead of chapters, is not altogether imaginary, as the author, from his arrival in America in 1770, maintained a correspondence with gentlemen in London, Rotterdam and Paris, answering in general to the prefixed dates.

He apprehended, that by keeping to such form, and making the narrative agree with the moment to which it related, and by introducing the various insertions necessary for the authenticating of facts, a present ideal existence of past events might be produced in the mind, similar to what is felt when a well-executed historical painting is examined. The better to secure this point, several parts are written in the present tense. If the author has failed in the execution, it is hoped that the candid reader will admit of the good intention as an apology.

He has kept, as far as he could, to a chronological order. This has necessarily interrupted the narrative of particular parts; which, though a disappointment to some, may prevent the tediousness that might otherwise have been felt by persons of a different taste. It may at least serve to prevent or correct the too frequent mistakes of ascribing prior events, partly or wholly to subsequent facts. The author regrets his not having placed the year at the top of the page, together with the month and day at the

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the side, earlier than now appears; and also his not having given every European letter the immediate resemblance of being written to him by a correspondent. He flatters himself, that he has in some measure compensated for these and other defects, by the general contents of every letter in each volume prefixed to the same; by a copious index to the whole at the end of the last; and by a collection of maps and plans, about which neither care, nor expence, has been spared to render them valuable.

Struck with the importance of the scenes that were opening upon the world, in the beginning of 1776, he formed an early design of compiling their history, which he made known to the late commander in chief of the American army; and meeting with the desired encouragement from him, he applied himself to the procuring of the best materials, whether oral, written, or printed. Oral communications were minuted down while fresh in the memory; the written were directed immediately to himself in many instances, in others only imparted: the productions of the European press could not be received with any regularity or certainty during the war, but were improved as they could be obtained.

The United States, in congress assembled, favored him with an inspection of such of their records as could with propriety be submitted to the

P R E F A C E.

perusal of a private person ; and he was indulged by the late generals Washington, Gates, Greene, Lincoln, and Otho Williams, with a liberal examination of their papers, both of a public and more private nature.

He had the opportunity of acquainting himself with the records of the first settlers in New England ; and examined those of the Massachusetts-bay, from their formation as a company to the close of the war, contained in near thirty folio manuscript volumes.

Doctor Ramsay's history of the war in Carolina, was communicated to him while in manuscript ; and liberty was granted to make full use of it : the present opportunity is embraced for acknowledging the benefit received from it, and for returning grateful thanks to the Doctor. The Americans remarked, that Doddsley's Annual Register contained the best foreign printed summary account of their affairs : but it was not possible for writers on this side the Atlantic to avoid mistakes. That Register and other publications have been of service to the compiler of the present work, who has frequently quoted from them, without varying the language, except for method and conciseness. He gathered from every source of intelligence in his power, while at the place of his residence near Boston ; and since his return to his native country in

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1786, has improved the advantage arising from it.

The accounts here given of American affairs, are so different in several respects from what have been the conceptions of many on each side the Atlantic, that it was necessary to insert a variety of letters, papers and anecdotes, to authenticate the narrative. The publication of these, it is presumed, will obtain credit for such parts as could not with propriety be supported by the introduction of similar proofs.

To write a history worthy the approbation of his friends, and (as far as his powers extended) of the present age, and of posterity; and to convince mankind, that *TRUTH was his care, his search, and what his soul was engaged in*, have been the great objects of

London, Oct. 28, 1788.

THE AUTHOR.

- The MAPS and PLANS are to be placed as follows.
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|-------|--|

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Page 4, line 20, *read* Brown, a fiery zealot—l. 22, *dele* a fiery zealot. P. 12, l. 21, *read* tyrant, Philip II. of Spain. P. 20, l. 7, *read* elected by the planters. P. 23, l. 18, *read* declared so late as. P. 27, l. 5, *read* ceased in 1640. P. 32, l. 20, *read* the jurisdiction. P. 35, l. 21, *read* the three last colonies, *Massachusetts*, *Connecticut*, and *New Haven*. P. 39, l. 10, *read* colonies of the *Massachusetts* and *New Hampshire*. P. 44, l. 3, *read* mentioned hereafter. P. 77, last line, *read* James II. P. 118, l. 11 *read* the *London* dissenting deputation. P. 166, l. 10, *read* the Ministers of Charles II. down to those of the. P. 290, l. 13, *dele* generality of the. P. 308, l. 19, *read* not solely to any. P. 427, l. 3, *for* other *read* district.

THE
RISE, PROGRESS, AND CONCLUSION
OF THE
NORTH AMERICAN REVOLUTION.

LETTER I.

Roxbury, December 26, 1771.

MY GOOD SIR,

TO your properly understanding the nature and origin of the uneasiness, that has so strongly agitated the colonies of late years, and still exists though now somewhat abated; and which has been occasioned by parliamentary taxation and the modern measures of government; you must be acquainted with the sentiments and history of the first settlers, no less than of their descendants and successors.

Several of the most zealous and eminent protestants, in the reign of *Edward* the VIth, opposed the popish ceremonies and habits, though otherwise united to their brethren in religious tenets. The opposition became more general and determined, after hundreds of them fled to, and resided in foreign parts, in order to escape the *Marian* persecutions. There the sentiments of numbers, through their intercourse with protestants of

other nations, were much changed and improved; and they were more than ever desirous of proceeding further in the reformation, than was directed by the service-book of king *Edward*.

1558. Upon the accession of *Elizabeth*, the refugees returned to *England*, loaded with experience and learning, but in the utmost distress and poverty. Those of the clergy, who could comply with the queen's establishment, were quickly preferred. The rest, after being admitted to preach awhile, were suspended, and reduced to former indigence. Several were offered bishoprics, but declined the tender, on account of the garments, ceremonies, &c. while the necessity of the times, and the flattering hope of obtaining hereafter an amendment in the constitution of the church, induced others to accept preferments, though with trembling.

The queen affected much pomp in religion; was fond of the old popish ceremonies, in which she had been educated; and thought her brother king *Edward* had gone too far in demolishing ornaments.

The clergy and laity, who sought after greater ecclesiastic purity, in vain struggled hard for the abolishment of popish ceremonies and habits; or, at least, leaving the use of them, in divine service, indifferent. They obtained nothing but the honorable nick-name of PURITANS. The queen proved an inflexible bigot, and would be obeyed, or punish. The parliament, in their first session, had very injudiciously passed the two acts of Supremacy and Uniformity, without guarding them properly; and, by a clause in the latter, delivered up to the crown all ecclesiastic jurisdiction. Men of
solid

solid learning and piety, of sober lives, popular preachers; professed enemies to popery and superstition, and of the same faith, in point of doctrine, with the conformists, were suspended, deprived, imprisoned and ruined, for not complying with the use of those garments and ceremonies, which their opponents acknowledged to be indifferent in themselves; while the sufferers adjudged such compliance sinful, from their having been abused to idolatry, and serving as marks and badges of that religion they had renounced.

All the puritans of these times were desirous of remaining in the church, might they be indulged as to the habits and a few ceremonies, though they were far from being satisfied with the hierarchy, and had other objections beside those for which they had been deprived. Instead of indulgence, their grievances were multiplied; and the penal laws were rigorously executed. However, the body of the conforming clergy being extremely illiterate and ignorant, the deprived ministers were employed as curates or lecturers; and received, for their services, a small consideration from the incumbent, together with the voluntary contribution of the parish. By their warm and affectionate preaching and eminent faithfulness, they gained the hearts of the common people, who were the more attached to them, the more cruelty was exercised upon them; and who had the utmost aversion to the popish garments, as their hatred to popery increased. The preachers appealed to the scriptures. Their hearers searched them carefully; obtained more and clearer discoveries of the popish superstitions; grew in their abhorrence of them; venerated the divine institutions; and longed to have the worship

of the church rendered more pure and primitive. The popularity of the deprived ministers drew numbers from neighbouring parishes. *Puritanism* spread and gained ground by being persecuted. Its growth was the greatest grief to the queen and archbishop Whitgift. But neither the supreme head of the church, nor the primate of all *England*, had policy or christianity enough to apply the proper remedy, in granting *liberty of conscience*. Instead of that, new acts were passed, and greater severities practised. Such inhuman proceedings, against protestants of good moral characters, did not pass unnoticed. They were the subjects of conversation. The right of acting thus toward fellow-creatures, and its non-agreement with the mild and benevolent principles of Christianity, were freely canvassed. The supreme head and chief dignitaries of the *English* church being such intolerable persecutors, it became a question, "Is she any longer a *true church* of Christ, and are her ministers *true ministers*?"

At length one *Robert Brown*, descended from an ancient and honorable family, and nearly related to Lord Treasurer *Cecil*, a fiery zealot, travelled through the country, 1586. a second time, holding forth, wherever he went, against *bishops, ecclesiastic courts, ordaining of ministers, &c.* and gathered a *separate* congregation. The parties held, that the *church of ENGLAND* was not a *true church*; that her ministers were not *rightly* ordained; that her discipline was *popish* and *anti-christian*; and that all her ordinances and sacraments were *invalid*. Therefore they would not join with her members, in *any part* of public worship. They not only renounced communion with the *church*

of

of ENGLAND, but with *all* other reformed churches, except they were of their own model.

These *separatists* were called *Brownists*, which was long afterward the common name for all that separated *totally* from the church of *England*, even when they disowned the rigid principles of *Brown* and his congregation. We must carefully distinguish the *Brownists* from the *Puritans*. Most of the latter were for keeping within the pale of the church, apprehending it to be a *true* church in its *doctrines* and *sacraments*, though defective in *discipline* and corrupt in *ceremonies*. They thought it *unlawful* to separate; submitted to suspensions and deprivations; when driven out of one diocese, took sanctuary in another, being afraid of incurring the guilt of *schism*; and were the chief writers against the *Brownists*.

A fresh effort was made to crush the *non-conformists*. 1593.
A most obnoxious act was passed, for punishing all who refused to come to church, and every one, who persuaded others to oppose the queen's authority in ecclesiastic causes, or was present at any conventicle or meeting. The punishment was imprisonment without bail, till the convicted agreed to conform and make a declaration of his conformity. In case the offender did not sign the declaration within three months, he was *to abjure the realm, and go into perpetual banishment*. If he departed not within the time limited, or returned afterward without the queen's license, he was *to suffer death without benefit of clergy*. By this act, the case of non-conformists was worse than that of felons at common law. The statute was levelled against the laity, no less than the clergy. The moderate puritans evaded it, by going to church when prayers were nearly ended,

and by receiving the sacrament when administered with some latitude. The weight of it fell upon the *Brownists*, whose sentiments had gained ground, so that they were increased to near twenty thousand, beside wives and children, according to the opinion of *Sir Walter Raleigh*, given in the house of commons, when the bill was read the second time and debated *.

Several were *put to death*, about this period; which excited an odium against the bishops and high commissioners, who were universally known to have been at the bottom of the proceedings against them. It was resolved therefore, to send the remainder of the imprisoned into banishment, instead of continuing to execute them. Others preferred a voluntary exile, rather than be exposed to the merciless persecutions that awaited them in their native country. Is it strange, that these persons, thus forced or frightened out of it, for claiming and exercising the common right of human nature, that of judging for themselves in matters of religion, should at length think, that their allegiance terminated with their departure; or, that those who commiserated them inclined to the same sentiment?

The parliament, especially the lower house, perceiving how the queen, and many of the bishops and ecclesiastics, abused their spiritual power; what mischiefs they brought upon the church; and the miseries to which honest men were reduced for mere difference in religious sentiments; attempted repeatedly to regulate matters, and to redress the hardships of the non-conformists, but was stopped by her majesty, in the most dictatorial manner. Some of the members, roused by such unwarrantable

* *Townshend's Historical Collections*, p. 76.

acts of sovereignty, spake boldly and freely upon the occasion, and censured the arbitrary proceedings of the bishops. The queen added to her other faults, that of sending them to the Tower. But, though she could awe the parliament, imprison its members, and protect her favorite bishops; she could not overpower the consciences of the non-conformists.

A number of religious people, upon the borders of *Nottinghamshire, Lincolnshire and Yorkshire*, having suffered persecution patiently for years, and searched the scriptures diligently, were at length fully of opinion, that the ceremonies of the *English* church were *unlawful*; that the lordly power of her prelates was contrary to the freedom of the gospel; and that her offices, courts and canons had no warrant in the word of God; but were *popish*. They determined therefore to shake off that yoke of bondage, viz. human impositions, brought into the church by popish policy and power, against the superior law of Christ, the genius of his plain religion, and christian liberty. They resolved, as the Lord's free 1602. people, "*to join themselves by covenant into a church state; and, agreeable to present or future knowledge, to walk in all the ways of God, according to their best abilities, whatever it costs them* *."

The assembly, owing to the distance of habitations, 1606. was obliged to form itself into two distinct religious societies; the one, with which is our concern, soon had for its pastor the famous Mr. *John Robinson*. The church kept together about a year; but being extremely harassed by persecutors, concluded upon removing to *Holland*. The pious refugees repaired to and settled at Amsterdam;

* Prince's New England Chronology, Part I. p. 4.

but after a while removed to *Leyden*; where they were highly respected, and would have been allowed some public favor, had it not been for fear of offending England. By hard and continued labor they obtained a living. The *Dutch* employed them before others, for their honest and exemplary behaviour; and readily trusted them when in want of money. Matters, however, were not altogether to their mind; and some of the most
1617. sensible began to think of another removal. It was imagined, that, if a better and easier place of living could be had, numbers would join them. The morals of the Dutch were too dissolute; and they were afraid, that their offspring would become irreligious. Beside, they had an ardent, noble, and godly desire, of laying a foundation for spreading the religion of *Jesus* over the remote regions of the earth; and of handing down to future ages, what they thought to be, the pure and unadulterated worship of the great *JEHOVAH*. They therefore directed their views to *America*. To those who objected—the length and danger of the voyage, the difficulties and calamities to which they should be exposed, the barbarities and treacheries of the *Indians*, and their inability to support the expense—it was answered, “The difficulties are not invincible, and may be overcome by fortitude and patience; the ends proposed are good and honorable; the calling lawful and urgent; the blessing of God may therefore be expected. We live but as exiles now, and are in a poor condition. The truce with the *Spaniards* is hastening to a close. Nothing but preparations for war are going forward. The *Spaniards* may be as cruel as the *Savages*; and famine and pestilence may be as sore in *Holland* as in *America*.”

After

After serious and solemn application to God for direction, they concluded on carrying the proposal of crossing the *Atlantic* into execution; endeavouring to live in a distinct body by themselves, under the general government of the *Virginia Company*; and suing to his majesty, king *James*, for *full liberty and freedom of conscience*.

The *Virginia Company* were ready to give them a patent, with as ample privileges as they could grant; but, notwithstanding the great interest made by gentlemen of the first character, and by the chief secretary of state, the king and bishops refused to allow the refugees (though at the distance of 3000 miles) liberty of conscience under the royal seal. All they could obtain from his majesty, was a promise that he would connive at, and not molest them, provided they carried themselves peaceably; but he would not tolerate them by his public authority. Upon this occasion it was wisely observed, "If his majesty's promise is no security, a further confirmation will be of little value; though it has a seal as broad as the house-floor, it will not serve the turn; for there will be means enow found, when wanted, to recall or reverse it; and we must rest herein on God's Providence." This reasoning, and the hope of being placed beyond the reach of ecclesiastical courts, prevailed. They resolved to venture; and, after long attendance, much cost and labor, obtained a patent.

1619.

They agreed, that the minor part of younger and stronger men, with Mr. *Brewster*, an elder of the church, should go first, and that the pastor, Mr. *Robinson*, should remain behind with the majority, for a future favorable opportunity.

opportunity. Their enemies whispered, that the States of *Holland* were weary of their company; but the reverse was evident from the following occurrence, viz. the magistrates of the city, when reproving the *Walloons* in open court, said, “ *These English have lived now ten years among us, and yet we never had any accusation against any of them, whereas your quarrels are continual.*”

1620. The colony, destined for America, failed from *Delft-
July
22.* Haven for *Southampton*; and there met a ship, having some English friends on board, who proposed removing with them. Both vessels proceeded to sea; but returned twice into port, on account of defects in the one from *Delft*, which was dismissed. Part of the company returned to *London*, the remainder betook themselves to the ship, and failed from *Plymouth* the 6th of September. After many delays, difficulties and dangers, they made *Cape Cod* at break of day on the 9th of November, and entered the harbour on the 10th. They offered up their devout and ardent acknowledgments to God for his protection, and had thoughts of landing; but remarking, that they were out of the limits of their patent, and in a sort reduced to a state of nature; and hearing some, who came from *London*, hint, *there is now no authority over us*; they, while on board, formed themselves into a Civil Body Politic under the crown of *England*, for the purpose of framing “just and equal laws, ordinances, acts, constitutions and offices,” to which they promised “all due submission and obedience.” This *contract* was subscribed by forty-one persons, on Saturday the 11th of November. The whole company of settlers, men, women, children and servants, amounted to no more than one hundred and one,
the

the exact number that left England—for one had died; but another was born, upon the passage.

Enfeebled and sickly, we now behold them at the distance of 3000 miles, not only from their native country, but the hospitable land where they lately resided for years, when unfeeling persecution drove them into a voluntary banishment. They have a long and dreary winter before them, and are upon the strange coast of an uncultivated wilderness, without a relation or friend to welcome their arrival, or an house to shelter them; without even a kind inhabitant to comfort them by tender acts of humanity, much less a civilized town or city, from which succour may be obtained on an emergency. Thus circumstanced, they are employed in making discoveries, till the 20th of December, when they conclude upon a place for immediate settlement, which they afterward name *New-Plymouth*, in grateful remembrance of the last town they left in their native country.

The winter proved remarkably mild * for the American climate, though excessively severe to an English constitution; and, what with disorders brought upon them through uncommon labors and fatigues, and their being exposed to the rigours of the season; and what with the scurvy and other diseases occasioned by a tedious voyage, and the want of proper accommodations while making it, they buried by the end of March 1621, forty-four of their little society, of whom one and twenty were subscribers to the *contract*. The number of their dead increased to fifty by the beginning of November, when, to their great joy, a vessel arrived

* Wood's New England's Prospect. Ed. 1764. p. 5.

with thirty five settlers from London. It was years before their plantation amounted to three hundred people: when nearly so, the Council established at *Plymouth*, in the county of *Devon*, for the planting, ruling, ordering and governing of *New England in America*, granted them a *Patent*, by which their lands were secured against all English claims.—Be it noted, that they early agreed with, and satisfied the *Indian* proprietors.

1630.
Jan.
13.

It would have been astonishing, had not these planters brought with them opinions favorable to liberty. The arbitrary proceedings of *Elizabeth* and *James* produced a spirit of inquiry; and induced the sufferers and others to canvass the equity of those powers, which were so improperly exercised. When the film of prejudice was removed, it was easy to discern that tyranny, whether in church or state, could not be vindicated by reason or revelation; and that Heaven's permitting it, was no more a countenance to that, than any other wickedness. Beside, the *Plymouthians* had lived for years among a people, who had been engaged in a bloody war, with a cruel unrelenting tyrant, whose sovereignty they had renounced. The frequent conversation that must have passed between the Dutch and English refugees, must have improved the attachment of the last to the cause of freedom. It might also have been hinted to them, that it began to be the sentiment of some English nobles and principal commoners, that in case of a removal to America, persons, without any charter from the crown, were at liberty to establish what form of government they pleased; and to set up a new state, as fully to all intents and purposes, as though they were making their first entrance into civil society.

No wonder then, especially considering the general equality prevailing among them, that the *Plymouthians*, by their contract before landing, formed themselves into a *proper Democracy*; and that it was entered in the *Plymouth* records of 1636, "*Finding, that as free born* 1636. *subjects of the state of ENGLAND, we hither came with* Nov. 15. *all and singular the privileges belonging to such; in the first place we think good, that it be established for an act, that, according to the [rights supposed to be wanting] and due privileges of the subjects aforesaid, no imposition, law or ordinance be made or imposed upon them at present or to come; but such as shall be made and imposed by consent, according to the free liberties of free born subjects of the state and kingdom of ENGLAND, and no otherwise.*" They meant to continue their allegiance to the crown; to retain their connection with the mother country; to adopt the general laws of England for the rule of government, wherein they suited; and to be governed by their own particular acts in other instances.

Persons, devoted to church authority and particular national establishments, may exclaim against the *Plymouthians* for their religious sentiments: but a fair and brief statement of them, it is apprehended, will be thought the best defence that can be offered, by those who candidly examine the *New Testament*, and are properly impressed with the words of our Saviour—*My kingdom is not of this world.*

When Mr. *Robinson* and his associates separated from the church of England, they were rigid *Brownists*. After his removal to Holland, and there conversing with learned divines, he, being a gentleman of a liberal mind and good disposition, became moderate, as did his

his people; so that they who continued rigid *Brownists* would hardly hold communion with them. Mr. *Robinson* and his society did not require of those who joined them, a renunciation of the church of England. They also acknowledged the other reformed churches for true and genuine; allowed their own members occasional communion with them, in the word preached, and in the prayers conceived by the preacher before and after sermon, but not in the sacraments and discipline; and admitted their members, known to them to be pious, to occasional communion with themselves in the sacraments. Still it is to be remarked, that they were not admitted, because of their being members of such churches, but on account of their known piety: their belonging to and continuing in such churches, was not an argument for rejecting them; nor was it the argument for their reception. Mr. *Robinson*, however, by his conversation and writings, proved a principal in ruining *Brownism*; and, in the opinion of some was the father, of others the restorer, of the *independent* or *congregational* churches. Congregational is the term used in *New England*, the other is discarded, as seeming to imply too great a separation from sister churches.

The *Plymouthians* held, that the Bible was the sole religious code of protestants; and that every man had a right to judge for himself, and to try all doctrines by it, and to worship according to what he apprehended that directed. In doctrinal tenets they agreed with the articles of the church of England. The main difference between them and other reformed churches, was about hierarchy. They maintained, that no particular church ought to consist of more persons than
could

could worship in one congregation; that every man ought, in appearance, to be a true believer in Christ and subject to his authority; that when there was a suitable number of such believers, who thought themselves bound in conscience to do it, they had a right to embody into a church, by some certain contract or covenant, expressed or implied; and that, being embodied, they were to choose all their officers, who were pastors or teaching elders, mere ruling elders meant to assist the former, and qualified to teach occasionally, and deacons who were to manage the temporalities of the church, to take care of the poor, and to officiate at the Lord's table by providing the bread and wine, laying the cloth, carrying the elements, &c. [The custom of having ruling elders has now ceased.] The elders of both kinds were to form the presbytery of overseers and rulers. They also held, that no churches or church officers had any power over other churches or officers, to control or impose upon them, all having equal rights and privileges. Their own officers were removable by them upon justifiable reasons; in case of capital errors, gross misconduct and the like. When they baptized, they rejected the sign of the cross, and other ceremonies not enjoined by scripture. They received the elements of the Lord's supper, in the table posture of the day and place in which they lived. Excommunication they deemed to be wholly spiritual; and denied, that the church or its officers had any authority to inflict temporal pains and penalties. They considered no days as holy, but the Lord's day, which they observed with great strictness. Solemn fastings and thanksgivings, as the aspects of Providence required, they had a pious regard

regard to, as agreeable to both natural and revealed religion.

A better set of emigrants never crossed the *Atlantic*. "They were a plain, frugal, industrious, conscientious and loving people; and, for the day in which they lived, and considering their education, possessed a good share of politeness. The important light in which they viewed morality, led them, in many instances, to such critical exactness, as would be deemed by the moderns ridiculous; from thence however the community derived substantial benefits. They have been stigmatized as enthusiasts; but nothing like enthusiasm is to be met with in the records of any of their transactions, either civil or ecclesiastic. Their piety indeed was eminent and fervent, but it was also rational; and their religion was that of the Bible, and had a proper influence upon their conduct."

The *Plymouthians* having cleared the way for other sufferers to settle in *America*, with less difficulty and danger than what they had experienced; the fame of their plantation spreading through the western parts of *England*; and the government in church and state growing more and more oppressive; the territory of the
 1628. *Massachusetts-Bay* was purchased of the *Plymouth-Council*, and a company soon formed, who consulted on settling a plantation, to which non-conforming *puritans* might emigrate in order to enjoy their own principles in full security. Their sufferings had been moderated for a few years before *Elizabeth's* death. The queen was far advanced in life; the next heir to the crown was a *presbyterian*, who had subscribed to the *Scotch* national covenant, and, with hands uplifted to heaven, had pronounced, "The

Scotch

Scotch kirk is the purest in the world, and the service of the kirk of *England* an evil said mass in *English*, that wants nothing of the mass but the liftings:" he had interceded for some of the persecuted ministers; and the bishops were cautious of acting against a party, for whom king *James* had declared: but upon his ascending the throne, the fears of the high church-men and the hopes of the non-conformists were soon ended. It was not long before the king became in the church a furious persecutor of the non-conformists, and in the state as errant a despot as his cowardice would allow. In stigmatizing for *Puritans*, all who stood by the laws of the land and opposed his arbitrary government, though strenuous churchmen, he strengthened the cause of the *church-puritans*: the former, called by way of distinction *state-puritans*, joining the latter, both together became at length the majority of the nation.

Still the times were not mended; and the death of *James* made way for their becoming much worse. King *Charles* unfortunately took for his bosom counsellor, in religious affairs, bishop *Laud*, the most unqualified person for the purpose of any to be found in his three kingdoms: he also resigned himself up to arbitrary councils.

The lowering prospect thickened apace; the *Massachusetts* Company therefore provided a safe retreat, in season. They applied immediately to the improvement of their purchased territory; and sent out Capt. *John Endicott* and others, with servants, to begin a plantation; who arrived at (what is now named) *Salem*. They soon after petitioned for a *royal charter*, hoping that their existence and powers would be thereby secured and promoted.

1629. moted. They succeeded, and a charter of incorporation
Mar. was granted, making them a body politic, by the name
4 of "The Governor and Company of the *Massachusetts-
Bay in New England*," with as full powers as any other
corporation in the realm of *England*. The grant and
sale of the *Plymouth-Council* was confirmed. Till the
annual election by the company could commence,
the governor, deputy-governor, and eighteen assistants
were specified. The mode of governing, and of ad-
mitting freemen was prescribed. They were empowered
to elect and constitute such other officers, as might be
thought requisite for the managing of their affairs; and
to make laws and ordinances, not contrary to the laws
and statutes of the realm, for the good of the said com-
pany, and the government of their lands and plantation,
and the inhabitants thereof. They were allowed to
transport persons, whether subjects or strangers, weapons,
merchandise, &c. *any law to the contrary notwithstanding*
—such was the dispensing power the king assumed. He
also exempted them from paying custom or subsidy for
seven years: the governor and company, their factors
and assigns, were to pay neither that nor any taxes in
New England for the *same space*. All were freed from
duties upon goods imported or exported for 21 years,
except the old 5 per cent. custom upon imports after
the expiration of the seven years. All his majesty's
subjects going to and inhabiting the company's lands,
together with their children, were to enjoy all the liber-
ties of free and natural subjects, within any of his do-
minions, the same as though born in *England*. The
king could mean only, that, by removing to and residing
in the *Massachusetts*, they should not forfeit for them-
selves,

selves or children, the privileges of *Englishmen*, and be treated as foreigners; and not, that they should be governed by laws and officers of their own making or choosing, personally or by representation; for they were evidently distinguished from the governor and company (of whom it appears to be supposed, that they were to remain in England) as these were authorized to administer the oaths of supremacy and allegiance to all and every person or persons, who should hereafter go to inhabit the lands and premises of the company. Beside, the governor and company were entrusted with the power of making laws, ordinances, &c. not contrary to the laws of England; of settling the government, and magistracy of the plantation, and its inhabitants; of naming all the officers; and of setting forth their several duties, powers and limits; and the king commanded that all such laws, ordinances, &c. should be published, in writing, under the common seal of the company, and thereupon be carefully observed and put into execution, according to their true meaning. The charter * does not once mention *liberty of conscience* or *toleration*; though one † historian has inadvertently advanced, that “free liberty of conscience was likewise granted to all who should settle in the *Massachusetts-Bay*, to worship God in their own way;” and another ‡, “the charter granted toleration to all christians, except papists.” The assertions apply only to the charter granted by king *William* and queen *Mary*.

* See the Charter in *Hutchinson's Collection of Papers*, p. 1—23.

† *Neale's History of the Puritans*, 4to. Vol. I. p. 543.

‡ *Hutchinson's History of the Massachusetts-Bay*, Vol. II. p. 3.

1629.
April
30.

The company, in the exercise of their chartered powers, determined that a governor and council of twelve, residing on the plantation, should have the sole ordering of its affairs and government. They appointed Capt. *Endicott* governor, and seven gentlemen going from England to be counsellors, and directed how the other five should be elected, together with a deputy-governor and secretary.

Messrs. *Higginson*, *Skelton*, *Bright*, *John* and *Samuel Browne* were of the seven counsellors nominated by the company. The three first, being ministers, had declared themselves to be of one judgment, and to be fully agreed in the manner how to exercise their ministry. The company's committee in their letter to governor *Endicott*, expressed good hopes on account of it; and at the same time recommended Messrs. *John* and *Samuel Browne* as men whom they much respected, being fully persuaded of their sincere affections to the good of the plantation *. The ministers and passengers coming to settle in it, were episcopally inclined when they left England; though they could not conform to many ceremonies and customs, nor submit to, what they judged, different corruptions, imposed upon their consciences by the king and prelates. They were also strongly prejudiced against the *separatists*, in which class the *Plymouthians* were numbered. But long before they arrived, or even sailed, a Dr. *Fuller*, a deacon of the church at Plymouth, and well versed in its discipline, having been sent for, on account of a fatal sickness which broke out among the emigrants after their arrival at *Salem*, had, by his conversation with Capt. *Endicott*, taken off the ill effect of common report, and brought

* Suffolk Records.

him to think favorably of the outward form of worship espoused by the *Plymouthians*. The influence of the doctor's intercourse with the *Salem* settlers cannot be thought to have been confined to the captain. When the business of organizing a church was brought forward after the arrival of the counsellors, the matter was frequently canvassed, and at length it was determined to form it, nearly upon the plan of the one at Plymouth; and to invite the latter to be present, by their messengers, at the solemn ordination of the ministers Messrs. *Skelton* and *Higginson*.^{Aug. 6.} Notwithstanding cross winds the Plymouth messengers were time enough to give the right hand of fellowship, by which ceremony the two churches professed mutual affection and communion.

Probably, none of the newly arrived settlers had the least idea of such ecclesiastic proceedings, when they left England; but thought very differently. Some continued to do so; for Mr. *Bright*, disagreeing in judgment from the other ministers, removed to a distance before their ordination; and Messrs. *John* and *Samuel Browne*, dissatisfied with the proceedings of the society, separated with several who were like minded, and sat up another. Governor *Endicott*, being of a hot temper and not possessed of the greatest prudence, summoned the brothers before him, as ringleaders of a faction; and apprehending that their conversation and conduct would occasion divisions, sent them back to *England*, against their own inclination, notwithstanding their being counsellors, thinking himself justified by his public orders.

Let us return to the Company in *England*,

July
28.

Mr. *Matthew Craddock*, the governor, proposed at the general court, that, for the advancement of the plantation, the encouragement of persons of worth and quality to transplant themselves and families, and other weighty reasons, the government of the plantation should be transferred to its inhabitants, and not be continued in subordination to the company at *London*. The matter was debated; and it was agreed, that the persons present should seriously consider the business against the next general court; it was also requested, that they would, in the mean while, conduct with that privacy, that the affair might not be divulged. At a month's end they met, and consented that the government and patent should be settled in *New England*, if it could be done legally. They soon after received letters respecting the difference between governor *Endicott* and Messrs. *John* and *Samuel Browne*; and fearing that these two had in their private letters defamed the plantation, they opened and read a number of them, and ordered that none from Mr. *Samuel Browne* should be delivered; however, upon application from the brothers, they directed that they should have a copy of the accusation sent against them from *New England*. The company's letters upon this business, one to Messrs. *Skelton* and *Higginson*, and another to governor *Endicott*, intimated, that there had been in the parties addressed a degree of intemperance; that direct or oblique aspersions had been thrown out against the state; and that undigested counsels had been too suddenly put into execution. They besides expressed an apprehension, lest, through an ill construction, the same might make the company obnoxious to any adversary*.

* Suffolk Records.

The difference that happened in the plantation, the treatment of the *Brownes*, and the reports circulated by them, undoubtedly occasioned much talk. Many would think it strange, that, while the charter was totally silent upon the head of religion, and several of the grantees and company, though strongly opposed to the tyrannies of the high churchmen, were real episcopalians, persons of this profession should be debarred the right of worshipping according to their own judgment and conscience, and be even expelled the plantation. These occurrences most probably forwarded the plan of Mr. *Craddock*. The advice of learned council was ordered to be taken, and it was considered how to execute the projected removal without offending government.

Among the other weighty reasons which induced them to remove, we must include the hope of getting beyond the reach of *Laud* and the high commission court: for the Massachusetts general court declared in 1651, "That seeing just cause to fear the persecution of the then bishop and high commission, for not conforming to the ceremonies, they thought it their safest course to get to this outside of the world (America) out of their view, and *beyond their reach*."

The company, at a general court, proceeded to a new election of officers, who were to repair to and settle²⁰ in *New England*. They chose for governor *John Winthrop*, esq; of *Groton* in *Suffolk*, a gentleman well known for his piety, liberality, wisdom and gravity. The business of transferring the patent and corporation, and of taking over new settlers, was prosecuted with vigor. The enterprise produced a general rumor, as its extent and magnitude, the number and principles of the

persons engaging in it, opened upon the public. The intentions of the parties being suspected, and jealousies arising concerning them, governor *Wintthrop* and other gentlemen, to remove prejudices, conciliate the minds of the disaffected, and recommend themselves and their expedition to the favorable regards of all serious christians of the episcopal persuasion, addressed their brethren in and of the church of *England*, and afterward sailed from *Yarmouth* in the isle of *Wight*, for *America*. The signers of the address, pray in the most solemn manner to be considered as their brethren, and desire it to be noted, that the principals and body of their company esteem it their honor to call the church of *ENGLAND* their dear mother. They acknowledge, that such hope and part as they have obtained in the common salvation, they have received in her bosom, and suck'd from her breasts. They declare themselves members of her body; and that, while they have breath, they shall sincerely endeavour her welfare. They pronounce themselves a church springing out of her own bowels. Their professions are made in the strongest language*.

June 12. The company arrived at *Salem*; and soon were in number more than fifteen hundred persons, from different counties in *England*. They applied themselves early to the forming of churches; but, the Rev. Mr. *Cotton* (who came from *Boston* in *Lincolnshire* to take leave of his departing friends at *Southampton*) having told them to advise with the *Plymouthians*, and to do nothing to offend them, and a precedent existing in the church at *Salem*, they dismissed all the peculiarities of episcopacy, and preferred the congregational mode in

* *Hutchinson's History*, Vol. I. p. 487.

general. However, they had no settled plan of church discipline, till after the arrival of Mr. *Cotton*, who was 1633. considered as a kind of oracle in both civil and sacred matters, and gradually moulded all their church administrations, and thus determined the ecclesiastic constitution of the colony; therein verifying what Mr. *Robinson* had judiciously predicted, when he said, "Many of those who have both wrote and preached against me and my people, were they in a place where they could have liberty and live comfortably, would do as we do *."

Governor *Winthrop* inserted, in his manuscript history, a couple of anecdotes, of an earlier date than Mr. *Cotton's* arrival, which may amuse you. "July 30, 1631, Mr. *Ludlow* in digging the foundation of his house at *Dorchester*, found two pieces of *French* money, one was coined 1596. They were in several places, above a foot within the firm ground." "June 13, 1632, At *Watertown* there was, in the view of divers witnesses, a great combat between a mouse and a snake; and after a long fight, the mouse prevailed and killed the snake. The minister of Boston, Mr. *Wilson*, a very sincere holy man, gives this interpretation—"The snake is the devil, the mouse is a poor contemptible people whom God has brought hither, and who shall overcome satan here, and dispossess him of his kingdom." "At the same time he told the governor, that before he resolved to come into the country, he dreamed that he was here, and saw a church arise out of the earth, which grew up and became a marvellous goodly church." He might think his dream divine; but it is easily accounted for as a common event, arising with the church-build-

* Prince's Chronology, p. 238.

ing out of a lively imagination, warmed and directed by a preponderating inclination. If, instead of interpreting the combat, he had only mentioned, that the event suggested to him such thoughts, and such an improvement, he would have evidenced more judgment and an equal degree of wisdom in seizing the happy circumstance.

The colony increased apace, by frequent and numerous accessions. But "it appears by private letters, that the departure of so many of the best, both ministers and private christians, did breed sad thoughts in those behind of the Lord's intention in the work, and an apprehension of some evil days to come upon England; yea, it began to be viewed by the council as a matter of state, so that warrants were sent to stay the ships, and to call in the patent; but, upon the petition of the ship-masters, alleging how beneficial the plantation was, they were released: Mr. Craddock, however, had strict charge to deliver in the patent, and wrote to the company to send it home upon receipt of his letter.

1634. The governor and assistants consulted about it, and re-
July. solved to answer Mr. Craddock, but not to return any answer or excuse to the council, for the present *."

On the death of the duke of *Buckingham*, *Laud* became the king's prime minister in all affairs of both church and state; and, on the death of archbishop *Abbot*, he was exalted to the see of *Canterbury*. Possessed of such powers, he, by his pliant tools, *made havock of the church, baling and committing to prison* conscientious ministers and laymen, who would not bend to his antisciptural impositions, so that the people were scattered abroad, and passed over the *Atlantic* into the

* Governor Winthrop's MS. History.

wilds of *America*. The daily inroads of the court, on the civil rights of the subject, helped forward the emigration.

From the beginning of the colony, until the emigration ceased, through a change of affairs in England, 1640, there arrived in 298 vessels about 21200 settlers (men, women and children) or 4000 families, but they did not all confine themselves to the *Massachusetts*. Notwithstanding the numbers that repaired thither, when Josselyn visited Boston, in 1638, "he found it rather a village than a town, there being not above 20 or 30 houses." These settlers were no less strenuous for their own particular rights and privileges than the Plymouthians. When the governor and company removed from *London* to the *Massachusetts*, they renounced the appearance of a corporation, and assumed the form of a commonwealth, varying, as it suited them, from the directions of the charter. The change of place and circumstances prevented their keeping to it in certain instances, though not in others; but they could easily satisfy themselves as to any violations; for "they apprehended themselves subject to no other laws or rules of government, than what arose from natural reason and the principles of equity, except any positive rules from the word of God *." Persons of influence among them held, that birth was no necessary cause of subjection; for that the subject of any prince or state, had a natural right to remove to any other state or quarter of the world, when deprived of liberty of conscience; and that upon such removal his subjection ceased. They called their own a voluntary civil subjection, arising

* Hutchinson's Letter of December 7, 1762.

merely

merely from a mutual compact between them and the king, founded upon the charter. By this compact they acknowledged themselves bound; so that they could not be subject to or seek protection from any other prince, neither could make laws repugnant to those of *England*, &c. but, on the other hand, they maintained, that they were to be governed by laws made by themselves, and by officers of their own electing *. They meant to be independent of English parliaments; and therefore, when their intimate friends were become leading members in the house of commons, and they were advised, on account of the great liberty to which king Charles left the parliament, to send over some to solicit for them, and had hopes given that they might obtain much, the governor and assistants, after meeting in council upon the occasion, “declined the motion, for this consideration, that, if they should put themselves under the protection of the parliament, they must then be subject to all such laws as they should make, or at least such as they might impose upon them, in which course (though they should intend their good, yet) it might prove very prejudicial to them †.”

Whatever approbation such sentiments may meet with from the friends of liberty, these must regret the inconsistencies to which human nature is subject, in those very persons whose experience should have taught them, to do unto others, as they would that others should have done unto them, when they themselves were suffering under the relentless hand of arbitrary government. But,

* Hutchinson's History, Vol. I. p. 251, and 252.

† Extract from Governor *Winthrop's* MS. History, sent me by Governor *Trynbull* from *Connecticut*.

what is man! So early as the second general court after ^{1631.} the arrival of the governor and company, instead of ^{May} _{18.} resolving to admit all the fuitable and deserving, to a generous participation of their freedom, they passed the pernicious and disingenuous order, "For time to come no man shall be admitted to the freedom of this body politic, but such as are members of some of the churches, within the limits of the same *." They soon after concluded, that none but such should share in the administration of civil government, or have a voice in any election. Thus a powerful and mischievous alliance was formed between the churches and the state. The ascendancy of the clergy was secured and much increased; for no one could be proposed to the church for a member, unless the minister allowed it. The ministers were consulted by the general court, in all matters of great moment; and nothing was determined in such cases, without a formal reference to them; who, of course, used their influence with the people, to procure an approbation of the measures which they themselves had advised †.

Instead of the freemen's appearing personally in the ^{1634.} general court, they for the first time sent deputies, to the ^{May.} number of twenty-four. This was a variation from the charter, which gave no power to admit representatives. These with the governor, deputy governor, and assistants, formed the legislature of the colony, met and voted together in one apartment till March 1644, when it was ordained, that the governor and assistants should sit

* Massachusetts Records, Vol. I.
Vol. I, p. 424.

† Hutchinson's History,
apart:

apart: and thus commenced the house of representatives, as a distinct body.

The general court assumed spiritual jurisdiction. Being church members, they might suppose they represented the churches, no less than the colony. They would
 1636. approve of no churches, after a certain period, unless
 Mar. they had the approbation of the magistrates and elders
 8. of most of the churches within the colony; nor would admit to freedom any of their members. They pressed colonial uniformity in religion, till they became persecutors*. Whatever apology may be made for the treatment given to episcopalians, baptists and quakers, the colony cannot be cleared from the charge of persecuting: that, however, will not justify those who persecute with reproaches and ill-will the present generation, now reprobating the intolerance of their forefathers, which at that period was, more or less, the stain of most religious parties. "It was not peculiar to the Massachusetts people to think themselves bound in conscience, to use the sword of the civil magistrate to convince, or cut off heretics, that so they might not infect the church, or injure the public peace †." The true grounds of liberty of conscience, were not then known or embraced by many sects of christians. But remember that the *Massachusetts-Bay* now surpasses the mother country, in its regard for the sacred and civil rights of mankind. It not only exempts those of other denominations from paying to the support of its own colonial establishments, the congregational churches; and has been a great number of years in this laudable practice: but it protects all

* Massachusetts Records, in many places. † Mr. John Calender's Century Sermon.

protestants without requiring any qualifying subscriptions or tests, and excludes none by partial laws from the exercise of civil power.

The government was in divers respects absolute. Both magistrates and general court often judged and punished, in a summary way, without a jury, according to discretion, as occasions occurred. It was four years before it was enacted or ordered, that no trial should pass upon any for life or banishment, but by a jury of freemen: and within three years after, that law was ¹⁶³⁷ violated even by the general court. They exercised, while sitting, legislative, judicial, and executive powers—a practice which must ever be dangerous to the rights of a people, even when allowed to their own annual representatives.

The country at length grew uneasy at these proceedings; were suspicious that the general court affected arbitrary government; and earnestly expected a body of laws to direct and protect them in all their just rights and privileges *. It was the more necessary to comply with the prevailing expectation, for the business had been long in agitation: not only so, but a great majority of the inhabitants were not freemen, not being members of the congregational churches, or declining to take up their freedom, in order to secure an exemption from serving in civil offices. It was not, till 1648 that the ¹⁶⁴⁸ body of laws was digested and printed.

The conduct of the colony on the one hand, and the inveteracy of the English administration on the other, would certainly have produced a revocation of the charter, and probably the ruin of the plantation, had

* Massachusetts Records for the 4th of November, 1646, Vol. I.

not the disturbances in England prevented. It became a favorite, upon the change that followed them; and, while *Oliver Cromwell* ruled, met with the utmost indulgence. From 1640 to 1660, it approached very near to an independent commonwealth *. The house of commons, in a memorable resolve of the 10th of March, 1642, passed in favor of it, gives *New England* the title of *kingdom* †. The commissioners for *New England*, sent over by king *Charles II.* assert in their narrative ‡, that the colony solicited *Cromwell* to be declared a free state, which is not unlikely.

It has been already mentioned, that all the persons passing over to the *Massachusetts* did not confine themselves to that colony.

1635. Several families removed to *Connecticut* river, by mutual agreement with their fellow-emigrants that remained behind. Plantations were formed at *Hartford*, *Windsor*, and *Weathersfield*. The inhabitants being soon after fully satisfied, that they were out of the *Massachusetts* limits, and of course jurisdiction, entered into a combination among themselves; became a body politic, without restraining the freedom of their civil government to the membership of their churches; and proceeded to the choice of magistrates and representatives. By the articles of government, it was determined that there should be annually two general courts; and that no person should be chosen governor more than once in two years. But it must be observed, that the same year, in which the families removed from the *Massachusetts*, Lords *Say* and *Brooke*, with other

* Hutchinson's History, Vol. II. p. 2 and 3.
p. 115.

† Hutchinson's Collection, p. 420.

‡ Ibid. Vol. I.

gentlemen,

gentlemen, having obtained a grant, John Winthrop, esq; was appointed governor, took possession of Connecticut river, and began to erect a fort (which he called Say-Brooke) to secure the mouth of it. He was supplied with men, provisions and all things necessary, by a vessel from England, sent by the grantees, which arrived the latter end of November. Some of the grantees had in contemplation transporting themselves, families and effects, to the territory they had obtained; but the design of emigrating was laid aside, when matters began to take a new turn in their native country; and at length the agent, Mr. Fenwick, was authorized to dispose of their lands, which were purchased, in 1644, by the people who had removed from the Massachusetts.

Two large ships arrived at the *Massachusetts-Bay* 1637, with passengers from *London*. Great pains were taken to prevail upon them to remain in the colony; but they hoped by removing to a considerable distance, to be out of the reach of a general governor, with whom the country was then threatened. They sent to their friends in *Connecticut* to purchase of the natives the lands lying between them and *Hudson's* river. They laid the foundation of a flourishing colony, of which *New Haven* was the capital. They, as *Connecticut*, formed a government, much like the *Massachusetts*, by a voluntary agreement, without any charter, or commission, or authority whatsoever, from the crown or other powers in *England*. They admitted no one to any office civil or military, or to have a voice in any election, except he was a member of one of the churches in *New England*. They had no jury, either in civil or criminal cases.

Connecticut and *New Haven* continued two distinct colonies for many years. At length the general court of Connecticut determined to prefer an address and petition to Charles II. professing their subjection and loyalty to his majesty, and soliciting a royal charter; and John Winthrop, esq; who had been chosen governor, was appointed to negotiate the affair with the king. He succeeded and a royal charter was obtained, constituting the two colonies for ever one body corporate and politic. *New Haven* took the affair ill; and for some time declined the union. But difficulties were amicably settled at last, and the colonies united by agreement.

1662.
Apr.
23.

The royal charter established a pure democracy. Every power, as well deliberative as active, was invested in the freemen of the corporation or their delegates, and the colony was under no obligation to communicate the acts of their local legislature to the king. It was the same as to the royal charter, granted the next year to *Rhode Island and Providence Plantations* *.

1685. In July various articles of high misdemeanor were exhibited against the governor and company of Connecticut; and orders were given to issue a writ of *quo warranto* forthwith against the colony. The next year two writs were served by Mr. *Randolph*; and after them a third in December. This is taken notice of by the governor and company in their letter of Jan. 26, 1686-7, wherein they mention their readiness to submit to his majesty's royal commands; and that, "if it be to conjoin them with the other colonies and provinces under Sir *Edmund Andros*, it would be more pleasing than to

* Chalmers's Political Annals, under Connecticut and Rhode-Island.

be joined with any other province." Such professed submission probably prevented the *quo warranto*'s being prosecuted with effect; and produced an order to Andros to accept the surrender of the charter and the submission of the colony. Sir Edmund went to *Hartford* in October; but when at night he expected the charter would have been surrendered into his hands, the candle was blown out, and the charter withdrawn from the table, carried off and secreted by one of the company: whose extraordinary service was afterward rewarded, by the general assembly with five shillings, agreeable to the plain simple manners of the people. He however published in the general court his orders and commission, which every one tacitly obeyed. He dissolved the former government, and assumed the administration, receiving into his legislative council the late governor and secretary, for the better carrying on the business of the colony. The subsequent revolution in England brought matters back, after a while, to their former course; as the legal validity of the charter was admitted.

The peopling of these three last colonies was owing chiefly to the *Puritan Ministers*, who, being silenced at home, repaired to *New England*, that they might enjoy liberty of conscience; and drew after them vast numbers of their friends and favorers. They amounted to seventy-seven before 1641; and though all were not persons of the greatest learning and abilities, they had a better share of each than most of their neighbouring clergy at that period; and were men of eminent sobriety and virtue, plain, serious, affectionate preachers, exactly conformable to the doctrines of the church of *England*, and labored much to promote a reformation of manners in

their several parishes. Many planters, who accompanied or followed them, were gentlemen of considerable fortunes and of no mean education, who spent their estates in New England, and were at the charge of bringing over many poor families, that were not able of themselves to bear the expense *. The body of laity and clergy, collectively considered, furnishes such a glorious constellation of characters, as would employ the pen of a first-rate writer to do them justice; notwithstanding what has been above remarked of their governmental mistakes.

The dangers to which the *New England* colonies were early exposed, induced them to think of confederating for their mutual safety. Articles were drawn up in 1638; but they were not finished and ratified till the 1643. seventh of September 1643; from which time we are
 Sept. 7. to look upon *Plymouth*, *Massachusetts*, *Connecticut* and *New Haven* as one body, in regard to all public transactions with their neighbours; though the private affairs of each colony were still managed by their own courts and magistrates.

Pass we on to the settlement of the other *New England* colonies.

Mr. *Roger Williams*, who succeeded Mr. *Skelton*, upon his decease, as pastor of the church at Salem, being banished from the *Massachusetts*, repaired with twelve
 1635. companions to the *Narraganset* country, and had land given him by the *Indian Sachem Canoncus*; of whom he afterward purchased the large tract, lying between *Parwotucket* and *Parwotuxet* rivers (the great falls and the little falls; as the Indian names signify,) and stiled it

* Neale's History of *New England*, Vol. I. 214—217.

Providence

Providence "from a sense of God's merciful Providence to him in his distress." The authority and power of *Miantonony*, another Sachem, and his uncle *Canonicus*, awed all the Indians round to assist him and his few associates. When the determinations of the Massachusetts general court (occasioned, by what they called antinomian disputes) banished many and induced others to leave the colony, the heads of the party were entertained in a friendly manner by Mr. *Williams*; who advised 1638. them to seek a settlement on *Rhode Island*, and was very instrumental in procuring it of the Indian Sachems.

They, to the number of eighteen, incorporated themselves, and began settling the island. The plantations there and at Providence increased apace, owing to the liberal sentiments of the first settlers: and in 1643 Mr. *Williams* went to England as agent, and obtained "a 1644. free and absolute charter of incorporation of *Providence* Mar. 16. and *Rhode Island* Plantations, empowering them to rule themselves, by that form they might voluntarily agree upon." They agreed upon a democratic. Mr. *Williams* justly claims the honor of having been the first legislator in the world, in its latter ages, who effectually provided for, and established, a free, full, and absolute liberty of conscience. This was the chief cause that united the inhabitants of *Rhode Island* and those of *Providence*, and made them one people, and one colony. The foundation principle on which this colony was first settled, was, that "every man who submits peaceably to the civil authority, may peaceably worship God according to the dictates of his own conscience without molestation." When the colony was applied to in 1656 by the four United Colonies "to join them in taking effectual methods to

suppress the quakers, and prevent their pernicious doctrines being propagated in the country;" the assembly returned for answer " We shall strictly adhere to the foundation principle on which this colony was first settled."

1663. King *Charles II.* granted an ample charter, whereby
July the colony was made a body corporate and politic, by
8. the name of the *Governor and Company of the English Colony of Rhode Island and Providence Plantations in New England in America.* The charter reserved only allegiance to the king, without the smallest share of the legislative or executive powers.

1685. A writ of *quo warranto* was issued out against the colony, which was brought June 26, 1686. The assembly determined not to stand suit. After the revolution, they were allowed by government to resume their charter, no judgment having been given against it.

New Hampshire and the *Main* were settled about the same time with the *Massachusetts*, by different proprietors who had obtained patents; and whose views were to enrich themselves, by the fishing trade at sea, and the beaver trade ashore. Religion had little concern in the settlements: but it had some in the plantation of *Exeter*, on the river *Pascataqua*; which was began by Mr. *Wheelwright* (a minister banished from the *Massachusetts*, on account of the antinomian dissensions with which the colony was convulsed,) and by a number of his adherents. They formed themselves into a body politic. Three other distinct governments were also established on the branches of the said river. These governments, being altogether voluntary, had no security as to their continuance; and the several settlers were

too divided in opinion to form any good general plan of permanent administration. Therefore the more considerate among them treated with the Massachusetts, about taking them under its protection; which fully suited the wishes of that colony, as it afforded the heads of it the opportunity of realizing the construction they had put upon a clause of their charter, by which they extended their line, so as to comprehend both *New Hampshire* and the *Main*. The business terminated in the incorporation of the two colonies, on condition that the inhabitants of each should enjoy equal privileges. They continued long united, and were of one heart and mind in civil and religious affairs*. When separated by the king's commission for the government of *New Hampshire*, the new assembly at their first meeting, in a letter of March 25, 1680, to the governor of the Mas- 1680. sachusetts, to be communicated to the general court, expressed their full satisfaction in the past connection; a grateful sense of the care that had been exercised over them; and of their having been well governed; and an unfeigned desire, that a mutual correspondence between them might be settled†.

The towns in the province of *Main*, after a time, fell into a state of confusion. The Massachusetts took that opportunity, for encouraging the disposition which prevailed in many of the inhabitants to submit to their jurisdiction; and, to forward their compliance, granted 1652. the people larger privileges than were enjoyed by their own; for they were all freemen upon taking the oath, whereas every where else no one could be made free, unless he was a church member. The province was

* Hutchinson's History, Vol. I. p. 268.

† Ibid. p. 328.

made a county, by the name of *Yorkshire*: and the towns sent representatives to the general court at *Boston*. Though the major part of the inhabitants were brought to consent to this regulation, great opposition was made by some principal persons, who severely reproached the *Massachusetts*, for using force in order to reduce the province: but the people experienced the benefit of it, and were contented. They continued in union with the *Massachusetts* until 1665, when a short separation commenced.

You have now a sketch of the settlement of all *New England*. It would have been far more concise, had it not been necessary, to correct the mistakes frequently committed, by those who publish on the subject; and to remove the reproaches cast upon the bulk of the inhabitants, on account of their religious profession. Whether there was any material difference between them and the other colonies, in regard to the opinion they entertained of their civil rights, you will be able to observe in the course of your reading. Their judgment in respect to the exercise of parliamentary powers over them, may be further known by what *Randolph* wrote concerning the *Massachusetts*, in his narrative and letters, after the restoration; from whence "*it seems to have been a general opinion that acts of parliament had no other force, than what they derived from acts passed by the general court to establish or confirm them.*"

1676. *Randolph* declared, "No law is in force or esteem there, but such as are made by the general court; and therefore it is accounted a breach of their privileges, and a betraying the liberties of the commonwealth to urge the observation of the laws of *England*."—"No oath shall be

be urged, or required to be taken by any person, but such oath as the general court hath considered, allowed, and required."—"There is no notice taken of the act of navigation, plantation, or any other laws made in *England* for the regulation of trade."—"All nations have free liberty to come into their ports, and vend their commodities without any restraint; in this as well as in other things, that government would make the world believe they are a free state, and do act in all matters accordingly."—"The magistrates have continually disobeyed his majesty's command in his royal letters of 1662, 64, 65, 66, and those of March last; ever reserving to themselves a power to alter, evade and disannul any law or command not agreeing with their humor, or the absolute authority of their government, acknowledging no superior."—"He (the governor) freely declared to me, that the laws made by your majesty and your parliament obligeth them in nothing, but what consists with the interest of the colony; that the legislative power is and abides in them *solely* *."

The *Massachusetts* general court, in a letter to their 1679. agents, mentioned, that not being represented in parliament, they looked not upon themselves to be impeded in their trade by the acts of trade and navigation, and that these could not be observed by his majesty's subjects in *Massachusetts* without invading their liberties and properties, until the general court made provision therein by a law, which they did in October. Notwithstanding

* See Hutchinson's Collection of papers, p. 477—506. The *Massachusetts* assembly in their answer to governor Hutchinson in 1773 quote the above passages in such a manner and to such a purpose, as expresses their opinion of the truth of what Randolph declared.

such law, and a subsequent order Feb. 15, 1681, "that the act of navigation and the act for encouragement of trade, be published in Boston by beat of drum, and all clauses in said acts relating to the plantation be strictly observed," *Randolph* complained to the commissioners of the customs in England, because of their not being duly observed. When the people found themselves in danger of a *quo warranto*, they agreed upon such emendations of their acts of trade, as to make them accord in all things with the laws of England. But it was too late. A *quo warranto* was sent them, and brought by 1683. *Randolph*, Nov. 3, 1683; and the next year a writ of Nov. *scire facias* was prosecuted in the court of chancery 3. against the governor and company, and judgment given, that the charter should be annihilated. Considering the temper of *Charles II.* it is rather matter of astonishment, that the sentiments and conduct of the Massachusetts government did not provoke him to vacate the charter much sooner. However mortifying, yet it would have been more prudent, to have declined contending with the king, when they knew that they must be vanquished, than virtually to bid him defiance. Such submission might not have saved them from the arbitrary government that followed, but could have been of no disservice, had there not been a subsequent revolution: that event taking place, it would have been extremely beneficial. They might have been allowed to resume their charter, nearly, if not wholly.

Before we proceed to the southward, let it be noted, 1672. that in 1672 the English parliament enacted by law, "That if any vessel, which by law may trade in the plantations, shall take on board any enumerated commodities,

modities, and a bond shall not have been given with sufficient security to unlade them in England, there shall be rendered to his majesty, for sugars, tobacco, ginger, cocoa nut, indigo, logwood, fustic, cotton wool, the several duties mentioned in the law, to be paid in such places in the plantations, and to such officers as shall be appointed to collect the same: and for their better collection, it is enacted, that the whole business shall be managed, and the imposts be levied by officers appointed by the commissioners of the customs in England." This is the first act that imposed customs on the colonies alone, to be regularly collected by colonial revenue officers. But the best affected colonies, Barbadoes, Virginia and Maryland, considering the laws of trade either as inconsistent with their privileges, or destructive of their infant commerce, hesitated to obey, or eluded the provisions of the laws; and trafficked without restraint, wherever hope of gain directed their navigators. Charles II. reprimanded them, and his successors gave standing instructions upon the head, but without effect*.

Governor *Nicholson* of Maryland wrote to the board of trade, August 1698, "I have observed that a great many people in all these provinces and colonies, especially in those under proprietaries, and the two others under Connecticut and Rhode Island, think that no law of England ought to be in force and binding to them without their own consent; for they foolishly say, they have no representatives sent from themselves to the parliament of England: and they look upon all laws made in England, that put any restraint upon them, to be

* Chalmers's Political Annals, p. 313.

great hardships." These were the colonial sentiments two years after passing the famous declaratory act of William and Mary, which you will find mentioned below. Molyneux's Case of Ireland, asserting openly the same doctrines, was first published in Feb. 1697-8.

The colony of *New-York* demands our next attention. The Dutch had settled, and named it the *New Netherlands*.
1664. Charles II. resolved upon its conquest in 1664, and in March granted to his brother the duke of York, the region extending from the western banks of Connecticut to the eastern shore of the *Delaware*, together with *Long Island*, conferring on him the civil and military powers of government. Colonel *Nichols* was sent with four frigates and three hundred soldiers to effect the business. The Dutch governor being unable to make resistance, the New Netherlands submitted to the English crown, in September, without any other change than of rulers. Few of the Dutch removed: and *Nichols* instantly entered upon the exercise of his power, as deputy governor of the duke of York, the proprietary.

1673. In July 1673, the Dutch repossessed themselves of the province, by attacking it suddenly when in a defenceless state. By the peace in February following it was restored. The validity of the grant, while the Dutch were in quiet possession having been questioned, the duke of York thought it prudent to obtain a new one the following June: and *Edmund Andros* having been appointed governor, the Dutch resigned their authority to him in October. Thus was New-York regained: but the inhabitants were again enslaved to the will of the conqueror; for, being admitted to no share in the legislature,

legislature, they were subject to laws, to which they had never assented.

To be relieved from a servitude that had degraded 1681. the colony, and now gave dissatisfaction to every one, the council, the court of assizes and the corporation of New-York, concurred in soliciting the duke, "to permit the people to participate in the legislative power." The duke, though strongly prejudiced against democratic assemblies, yet in expectation that the inhabitants would agree to raise money to discharge the public debts, and to settle such a fund for the future as might be sufficient for the maintenance of the government and garrison, informed the lieutenant-governor, in 1682, 1682. that "he intended to establish the same frame of government as the other plantations enjoyed, particularly in the choosing of an assembly."

Mr. Dongan was appointed governor in September, and instructed to call an assembly, to consist of a council of ten, and of a house of representatives, chosen by the freeholders, of the number of eighteen members. The assembly was empowered to make laws for the people, agreeable to the general jurisprudence of the state of England, which should be of no force, however, without the ratification of the proprietary. "Thus the inhabitants of New-York, after being ruled almost twenty years at the will of the duke's deputies, were first admitted to participate in the legislative power."

An assembly was called on governor Dongan's arrival, 1683. which passed an act of general naturalization, in order to give equal privileges to the various kinds of people then inhabiting the province: together with an act "declaring the liberties of the people;" as also one
"for

"for defraying the requisite charges of government for a limited time." The legislature was convened once more in August 1684, when it explained the last act. These seem to have been the only assemblies called prior to the revolution.

When the duke became king of England, he refused to confirm that grant of privileges to which as duke he had agreed. He established a real tyranny, and reduced New-York once more to the deplorable condition of a conquered province.

New Jersey, which was also taken from the *Dutch* (who were considered as having no right to any of their settlements in these parts of America) was included in the grant to the duke of York. The duke disposed of it to Lord *Berkely* and Sir *George Carteret*; who, being sole proprietors, for the better settlement of it, agreed upon certain constitutions of government, so well relished, that the eastern parts were soon considerably peopled. One of the stipulations was, "no qualified person, at any time, shall be any ways molested, punished, disquieted or called into question, for any difference in opinion or practice in matters of religious concerns, who does not actually disturb the civil peace of the province; but all and every such person and persons, may, from time to time, and at all times, freely and fully have and enjoy his and their judgments and consciences, in matters of religion, they behaving themselves peaceably and quietly, and not using this liberty to licentiousness, nor to the civil injury or outward disturbance of others; any law, statute, or clause contained, or to be contained, usage or custom of the realm of England, to the contrary thereof in any wise notwithstanding *."

* Smith's History of New-Jersey, p. 513.

The lords proprietors further agreed, “ for the better security of all the inhabitants in the province—That *they are not to impose, NOR SUFFER TO BE IMPOSED, any tax, custom, subsidy, tallage, assessment, or any other duty whatsoever, upon any colour or pretence, upon the said province and inhabitants thereof, other than what shall be imposed by the authority and consent of the general assembly*.*” What can more strongly express the then opinion of Lord Berkely and Sir George Carteret, as to the parliament’s having no right to tax the inhabitants of the province, possessed by them as lords proprietors !

Lord Berkely sold his moiety of the province to John 1674. Fenwick, in trust for Edward Byllinge and his assigns. After which the proprietors, E. Byllinge, William Penn, Gawen Lawrie, Nicholas Lucas, and Edmond Warner, of the quaker persuasion, agreed with Sir George Carteret 1676. upon a division ; and that his moiety should be called *New East-Jersey* and theirs *New West-Jersey*. The agreement respecting the *not imposing or suffering to be imposed any tax, &c.* was adopted : the other stipulation is worded somewhat differently—“ No men, nor number of men upon earth, hath power or authority to rule over men’s consciences in religious matters ; therefore it is consented, agreed and ordained, that no person or persons whatsoever, within the province, at any time or times hereafter, shall be any ways, upon any pretence whatsoever, called in question, or in the least punished or hurt, either in person, estate or privilege, for the sake of his opinion, judgment, faith or worship towards God in matters of religion ; but that all and every such person and persons, may from time to time, and at all times, freely and fully have and enjoy his and their

* Ibid. p. 517.

judgments,

judgments, and the exercise of their consciences, in matters of religious worship, throughout all the province *." It was also agreed, " that all elections be not determined by the common and confused way of cries and voices; but by putting balls into balloting boxes, to be provided for that purpose, for the prevention of all partiality, and whereby every man may freely choose according to his own judgment and honest intention †."

Soon after, many quakers resorted to *West-Jersey* from England, and the country filled apace. But the people early experienced the dreadful effects of arbitrary power. Major *Andros*, the governor of *New-York*, imposed 10 per cent. on all goods imported at the *Hoar-kill* ‡, and demanded 5 per cent. of the settlers at arrival or afterward, though neither *West-Jersey*, nor the *Hoar-kill*, was legally under his jurisdiction. They complained of the hardship from the first, but bore it patiently, till about 1680. 1680, when application was made to the duke of York, who referred the matter to the council, where it rested for a considerable time, and then was reported in their favor, and the duty ordered to be discontinued. Among the arguments used by Messrs. *William Penn*, *George Hutchinson* and others, chiefly if not all quakers, in the paper presented to the duke's commissioners, were these, " Powers of government are expressly granted, in the conveyance Lord Berkely made us; for that only could have induced us to buy it; and the reason is plain, because to all prudent men, the government of any place

* Smith, p. 528, 529. † Ibid. 536.

‡ Corrupted by time into *Whore-kill*. The names of many rivers, in New-York government particularly, terminate with *kill*, which means both river and rivulet.

is more inviting than the foil; for what is good land without good laws; the better, the worse. And if we could not assure people of an easy and free, and safe government, both with respect to their spiritual and worldly property, that is, an uninterrupted liberty of conscience, and an inviolable possession of their civil rights and freedoms, by a just and wise government, a mere wilderness would be no encouragement; for it were a madness to leave a free, good, and improved country, to plant in a wilderness; and there adventure many thousands of pounds, to give an absolute title to another person to tax us at will and pleasure. Natural right and human prudence oppose such doctrine all the world over, as says, "that people, free by law under their prince at home, are at his mercy in the plantations abroad." The king's grant to the duke of York, is plainly restrictive to the laws and government of England. Now, we humbly conceive, it is made a fundamental in our constitution and government, that the king of England cannot justly take his subjects goods without their consent: this needs no more to be proved than a principle; 'tis *jus indigenæ*, an home-born right, declared to be law by divers statutes; as in the great charter, ch. 29, and 34. Ed. III. ch. 2; again 25 Ed. ch. 7 *. To give up the power of making laws is to change the government, to sell or rather resign ourselves to the will of another; and that for nothing: for we buy nothing of the duke, if not the right of an undisturbed colonizing, with no diminution, but expectation of some increase

* The manuscript copy contains a number of authorities from Bracton, Fortesque, the Petition of Right, &c. See Smith, p. 120, the note.

of those freedoms and privileges enjoyed in our own country. We humbly say, that we have not lost any part of our liberty, by leaving our country; but we transplant to a place, with express limitation to erect no polity contrary to the established government (of England), but as near as may be to it; and this variation is allowed, but for the sake of emergencies; and that latitude bounded with these words, *for the good of the adventurer and planter*. This tax is not to be found in the duke's conveyances, but is an after business. Had the planters foreseen it, they would sooner have taken up in any other plantation in America—[a plain intimation that no such tax was imposed in any other American plantation.] Beside, there is no end of this power; for since we are by this precedent assessed without any law, and thereby excluded our English right of common assent to taxes; what security have we of any thing we possess? We can call nothing our own, but are tenants at will, not only for the soil, but for all our personal estates; we endure penury, and the sweat of our brows, to improve them at our own hazard only. This is to transplant from good to bad. *This sort of conduct has destroyed government, but never raised one to any true greatness *.*"

The paper presented to the duke's commissioners, evidently proves, that it was the opinion of these gentlemen, who were quakers, that no tax could be justly imposed upon the inhabitants, without their own consent first had, and by the authority of their own general assembly. The report of the council in favor of the aggrieved, and the relief that followed, were virtual

* Smith, p. 117—123.

concessions to the same purport. This will not be judged wholly unprecedented by those who are acquainted with what happened relative to the county-palatine and city of *Chester* in the 35th year of the reign of *Henry VIII.* 1543.

The inhabitants complained in a petition to the king, that for want of knights and burgessees in the court of parliament, they sustained manifold damages, not only in their lands, goods and bodies, but in the civil and politic governance and maintenance of the commonwealth of their said county: and that while they had been always bound by the acts and statutes of the said court of parliament, the same as other counties, cities and boroughs, that had knights and burgessees in said court, they had often been touched and grieved with acts and statutes made within the said court, as well derogatory unto the most ancient jurisdictions, liberties and privileges of the said county-palatine, as prejudicial unto the commonwealth, quietness and peace of his majesty's subjects. They proposed to the king, as a remedy, that it would please his highness, that it be enacted, with the assent of the lords spiritual and temporal, and by the commons in parliament assembled, that from the end of the session the county-palatine shall have two knights for the said county, and likewise two citizens to be burgessees for the city of *Chester*. The complaint and remedy were thought to be so just and reasonable, that the relief for which they prayed was granted, and they were admitted to send representatives to parliament, to guard their interests and to secure their liberties and privileges.

The reasons for my passing from the *Jerseys* to *Virginia* will soon be obvious.

Virginia was the original name for all the English North American continental claims, given in honor to the virgin queen, Elizabeth. King James, being applied to, granted letters patent to a body of gentlemen
1606. on the 6th of April, 1606, with powers to divide themselves into two distinct companies, the one consisting of London adventurers, called the first or southern colony of Virginia; the second or northern colony, composed of merchants belonging to Bristol, Plymouth, and Exeter. The territory granted to the first or southern colony was generally called *Virginia*, without any distinguishing epithet; and retained that name after the second or northern colony obtained the name of New-England in 1614.

The London company applied their attention immediately to the forming of a settlement, and sent off a hundred and ten emigrants, who arrived on the coast of
1607. Virginia April 29th, 1607: a party landed on the promontory, called, in honor of the prince of Wales, *Cape Henry*; afterward proceeded to and took possession of a peninsula in James-river, and began a settlement at *James-town*. The instructions given by the company of proprietors, when they sent out their second supply the following year, show that the most active projectors in England had for their chief objects discovery and gain, rather than colonization.

1609. A new charter was obtained: many of the first nobility and gentry were added to the former proprietors, and were incorporated by the name of "The Treasurer and Company of adventurers, of the city of London, for the first colony of Virginia." To them was granted in absolute property the lands extending from Cape Com-

fort

fort along the sea-coast southward 200 miles, from the same promontory 200 miles northward, and from the Atlantic westward to the South-sea. The company was empowered to make ordinances for the colony, and for those on the seas going thither. There was granted to the treasurer and company and their assigns, a freedom from all subsidies in Virginia for 21 years, and from all impositions on importations and exportations to and from England, or any other of the king's dominions, "except only the five pounds in the hundred due for customs." Little was conceded to the emigrants by the charter; and much conferred on the corporation. The colonists were to be governed by the ordinances of a corporation residing in England, in which they were not represented, and over the deliberations of which they had no control. The powers of the corporation were indeed controlable, as it was subject to the superintendence of the courts of justice within the realm, which could compel it to act agreeable as well to the grant, as to the laws of the state.

The adventurers, warmed with golden dreams of great riches, soon fitted out nine ships, with 500 emigrants, and every necessary for the establishment of a permanent colony, excepting suitable encouragement to the settlers. Lord Delaware was appointed captain-general for life. Only seven vessels arrived safe.

When Mr. Smith, who had governed the colony, departed for England, he left behind him 500 persons, of whom, what with bad management, dissensions, attacks from the Indians, waste of provisions, which occasioned a famine, &c. there remained only sixty of all ages and sexes, at the expiration of six months. When Sir

1610. *Thomas Gates* the lieutenant-governor arrived in May, and saw the calamitous situation of affairs, he concluded on embarking the colonists and sailing for England: but before he could proceed to sea, Lord *Delaware* arrived with three ships, bringing abundant supplies, and carried back with him to James-town the feeble remains of the colony. He soon re-established matters; but his health obliging him, he sailed for England the beginning
1611. of the subsequent year, leaving about 200 colonists, possessed of health, plenty, and peace with their neighbours. After his departure they relapsed; but his successor, Sir *Thomas Dale*, arriving in May with more emigrants, cattle, and provision for a year, things were again restored. This same year the adventurers obtained a new charter, by which the two former were confirmed, and they had also granted to them all the islands situated in the ocean, within 300 leagues of any part of the Virginia coast. The corporation was now considerably new modelled, and, in order to promote the effectual settlement of the plantation, license was given to open *lotteries* in any part of England. The lotteries alone, which were the first ever granted in England, brought 29,000 l. into the company's treasury. At length, being considered as a national evil, they attracted the notice of parliament, were presented by the commons as a grievance, and in March, 1620, suspended by an order of council.

Sir *Thomas Gates* was dispatched with six large ships, carrying 300 colonists, 100 cattle, and useful supplies. He arrived in August: and parties were sent out from James-town to form distant settlements. He returned
1614. the beginning of 1614, and the administration devolved once

once more on Sir *Thomas Dale*, to whom the Virginians owe the introduction of landed property. In 1615, fifty acres of land were granted to every emigrant and his heirs, and the same quantity to every person imported by others. Dale sailed for England in the beginning of 1616, giving up the trust to Sir *George Yeardley*, as deputy governor, and in this year the cultivation of tobacco was introduced. It was originally carried from Tobago to England. Mr. *Argal*, a new deputy, arrived in May, 1617. He published a variety of edicts, and was guilty of those wrongs and oppressions, that the treasurer and council appointed *Yeardley* captain-general, and empowered him to examine into and redress grievances. Sir George arrived April, 1619, bringing with him several instructions favorable to freedom, and soon declared his intention of calling a general assembly, which gave the greatest joy to men, who had been hitherto subjected to the arbitrary orders of their prince, to the interested ordinances of an English corporation, or to the edicts of a haughty governor; and who enjoyed none of those liberties which Englishmen claim as their birth-right.

In June, *Yeardley*, pursuant to his instructions from the company, issued writs for the election of delegates, called burgesses. The colony had been divided into seven hundreds or distinct settlements, which seemed to enjoy some of the privileges of boroughs; and from this circumstance the democratic branch of the assembly has been called to this day the house of burgesses, though composed almost entirely of the representatives of counties. The assembly, formed of the governor and council of state, who were appointed by the treasurer and com-

pany, and of the burgesſes choſen by the people, met together in one apartment, and tranſacted affairs like the parliament of Scotland of old, which mode continued till after the reſtoration of Charles II. Thus convened, and thus compoſed, the legiſlature “ debated all matters thought expedient for the good of the whole.” The laws were tranſmitted to England, for the approbation of the treaſurer and company, without whoſe confirmation they were of no validity. The introduction of an aſſembly was attended with the happieſt effects. The emigrants, for the firſt time, reſolved to ſettle themſelves, and to perpetuate the plantation. The aſſembly thanked the company for their favor, and begged them “ to reduce into a compendious form, with his majeſty’s approbation, the laws of England proper for Virginia, with ſuitable additions;” giving as a reaſon, “ that it was not fit that his ſubjects ſhould be governed by any other rules, than ſuch as received their influence from him.” This year the treaſurer and council received a letter “ commanding them to ſend a hundred diſſolute perſons (convicts) to Virginia.” They were accordingly tranſported; “ and were at that period very acceptable to the coloniſts,” though the unlimited practice of emptying the Engliſh jails on the American continent has of late years been complained of as a nuisance.

1620. The ſubſequent year muſt, on account of the introduction of *African ſlaves* into the colonies, be ſtigmatized as a much viler æra. The Hollanders were not then precluded by any law from trading with the colonies. A Dutch veſſel carried to Virginia a cargo of negroes, and the Virginians, who had themſelves juſt emerged from a ſtate of ſlavery, became chargeable with

with reducing their fellow-men to the condition of brutes.

In July, the treasurer and company carried into execution a resolution formerly taken, for establishing a proper constitution for the colony. The ordinance they passed, declared, that there should be two supreme councils in Virginia, the one to be called the council of state, to be appointed and displaced by the treasurer and company, and which was to advise the governor in governmental affairs; the other was to be denominated the general assembly, and to consist of the governor and council, and of two burgesses, to be chosen, for the present, by the inhabitants of every town, hundred, and settlement in the colony. The assembly was to determine by the majority of the voices then present, and to enact general laws for the colony, reserving to the governor a negative voice. They were to imitate the laws and customs, and judicial proceedings used in England. "No acts were to be in force till confirmed by the general court in England: on the other hand, no order of the general court was to bind the colony, till assented to by the assembly." The company having offered territory to those who should either emigrate themselves, or engage to transport people to the colony, found this policy so successful, that upward of 3500 persons emigrated to Virginia during this and the two preceding years.

This year was remarkable for a massacre of the colonists by the *Indians*, which was executed with the utmost subtilty, and without any regard to age, sex, or dignity. A well concerted attack on all the settlements, destroyed, in one hour, and almost at the same instant, 347 persons, who were defenceless and incapable of making resistance.

resistance. The emigrants, notwithstanding the orders they had received, had never been solicitous to cultivate the good-will of the natives, and had neither asked permission when they occupied their country, nor given a price for their valuable property, which was violently taken away. The miseries of famine were soon super-added to the horrors of massacre. Of eighty plantations, which were filling apace, only eight remained; and of the numbers which had been transported thither, no more than about 1800 survived those manifold disasters.

Frequent complaints having been made to king James of the oppressions of the treasurer and company, and the before-mentioned calamities being attributed to their misconduct or neglect, it was determined that a commission should issue to inquire into the affairs of Virginia and the Somer-isles, from the earliest settlement of each. Upon the report of the commissioners, the king concluded on giving a new charter, and required of the company the surrender of former grants, which being refused, a writ of *quo-warranto* issued in 1623. November, against the patents of the corporation: and judgment was given by the court of King's-bench against 1624. the treasurer and company, in Trinity-term, 1624.

These proceedings "were so conformable to the general strain of the arbitrary administration of that reign, that they made little impression at the time, though the Virginia company was composed of persons of the first quality, wealth, and consequence in the nation." The company probably would not have exercised so tame and submissive a spirit, had they not been wholly disappointed in their visionary prospects, and met with considerable losses, instead of acquiring enormous profits. They had

had obtained from individuals, who sported in their lotteries from the hope of sudden riches, £. 29,000: but the transportation of more than 9000 English subjects had cost them £. 150,000. They did not however abandon the colony in its distress, while they continued a corporation. Timely supplies were sent from England to the Virginia settlers, which so animated them, that they carried on an offensive war against the Indians, pursued them into their fastnesses, and drove them from the neighbourhood of those rivers, where they had fixed their own plantations.

As to king *James*, he "affuredly considered the colonies as acquired by conquest; and that they ought to be holden of his person, independent of his crown or political capacity; and might be ruled according to his good will, by prerogative: and he endeavoured, agreeable to the strange œconomy of his reign, to convert them into a mere private estate, descendable to his personal heirs *."

The Virginia company being dissolved, James took the colony under his immediate dependence, which occasioned much confusion. Upon his death king *Charles*, 1625. being of the same judgment with his father as to the government of Virginia, determined to tread in the same steps. In May he named a new governor and council for Virginia, and invested them with an authority fully legislative and arbitrary. They were empowered to make and execute laws, to impose taxes, and enforce payment. Neither the commission nor instructions mentioned expressly, or even alluded to an

* See Chalmers's Political Annals under the head of Virginia, for many of the preceding and subsequent articles respecting that colony.

assembly,

assembly, to the laws of England, or to the acts of the provincial legislature, as a rule of government. They were required to transport colonists into England, to be punished there for crimes committed in Virginia. This system increased the colonial dissatisfaction, which continued for years, till the Virginians received a letter containing the royal assurance, that "all their estates, trade, freedom, and privileges, should be enjoyed by them in as extensive a manner, as they enjoyed them before the recalling of the company's patent." On this they were reconciled, and began again to exert themselves in making improvements*.

Being left for some years in a manner to themselves, they increased beyond expectation. They remained under the administration of their late governors, and other officers, who respected their privileges because they loved the colony. The governor, whom Charles had been anxious to appoint, had no opportunity of exercising those illegal and extraordinary powers with
 1627. which he had been invested. His death in 1627 put an end to his authority, and prevented the colony's feeling its full extent. His successor *John Harvey*, esq;
 1629. was nominated in March 1629; and his commission and instructions were precisely the same with those of the former. He departed soon after for Virginia. The spirit of his administration was an exact counterpart of what had too long prevailed in England. He was severe in his extortions, proud in his councils, unjust and arbitrary in every department of his government. The *Virginians*, roused almost to madness by oppression, seized and sent him prisoner to England, accompanied with

* Bland's Inquiry into the rights of the British colonies.

two deputies, to represent their grievances and his misconduct. His behaviour was so thought of, that he was honored with a new commission which confirmed former powers, and he was sent back to Virginia in April 1637. After that, his government was so excessively oppressive and cruel, that the complaints of the colonists became at length too loud to be longer neglected, and his commission was revoked in Jan. 1638-9. During his ten years administration, the Virginians were ruled rather as the vassals of an eastern despot, than as subjects entitled to English liberties; but it is to their credit, that, having tasted the sweets of a simple government, they opposed with a firm spirit, during the reign of Charles, the attempts of those who endeavoured to revive the patents, and to restore the corporation.

Sir *William Berkely* was appointed governor the beginning of 1639. His instructions evidenced a prodigious change in colonial policy, which must be partly ascribed to the then state of affairs in England. He was directed to summon all the burgesses of the plantations, who with the governor and council were to constitute the grand assembly, with power to make acts for the government of the colony, as near as might be to the laws of England—to cause speedy justice to be administered to all, according to English forms—and to forbid all trade with foreign vessels except upon necessity. Thus were the Virginians restored to that system of freedom, which they had derived from the Virginia company, and which the writ of *quo warranto* had involved in the same ruin with the corporation itself.

Civil dissensions however took place, which were embittered by religious differences, and inflamed by acts
made

made to prohibit the preaching of the doctrines of the puritans. The discontented party presented a petition to the house of commons, in the name of the assembly, "praying for the restoration of the ancient patents and corporation government." But the governor, council, and burgessees, no sooner heard of the transaction, than they transmitted an explicit disavowal of it. They sent also an address to king *Charles*, acknowledging his bounty and favor toward them, and earnestly desiring
1642. to continue under his immediate protection. In 1642 they declared in the form of an act, "that they were born under monarchy, and would never degenerate from the condition of their births, by being subject to any other government." Nothing could be more acceptable than this act, which being presented to the king at *York*, drew from him an answer, in which he gave them the fullest assurances, that they should be always immediately dependent upon the crown, and that the form of government should never be changed.

They remained unalterably attached to the cause of their sovereign. But when the Commons of England had triumphed over their European opponents, their attention was turned to the plantations; and an ordinance was passed
1650. in October 1650, "for prohibiting trade with *Barbadoes*, *Virginia*, *Bermuda*, and *Antego*." It recited, that "in Virginia, and other places in America, there are colonies, which were planted at the cost, and settled by the people, and by the authority of this nation, which ought to be subordinate to, and dependent upon England—that they ever have been, and ought to be, subject to such laws and regulations as are, or shall be made by the parliament—that divers acts of rebellion have been committed

committed by many persons inhabiting Virginia, whereby they have set up themselves in opposition to this commonwealth." It therefore declared them "notorious robbers and traitors." Persons in power generally reason alike against those who oppose their authority, and dispute the legality or equity of their measures, whatever might be their own sentiments when in a lower station, and while aggrieved by superiors. The ordinance authorized the council of state to send a fleet thither, and to grant commissions to proper persons to enforce to obedience all such as stood opposed to the authority of parliament. In consequence hereof commissioners were appointed, and a powerful fleet and army detached, to reduce all their enemies to submission. They were to use their endeavours, by granting pardons and by other peaceful arts, to induce the colonists to obey the state of England: but, if these means should prove ineffectual, then they were to employ every act of hostility; to free those servants and slaves of masters opposing the government, that would serve as soldiers to subdue them; and to cause the acts of parliament to be executed, and justice to be administered, in the name of the commonwealth. After the arrival of the commissioners with the naval and military force, the Virginians refused to submit, till articles of surrender had been agreed upon, by which it was stipulated, "The plantation of Virginia, and all the inhabitants thereof, shall enjoy such freedoms and privileges as belong to the free people of England. The general assembly, as formerly, shall convene, and transact the affairs of the colony. The people of Virginia shall have a free trade, as the people of England, to all places, and with all nations. Virginia

ginia shall be free from all taxes, customs, and impositions whatsoever; and none shall be imposed on them without consent of the general assembly; and neither forts nor castles shall be erected, nor garrisons maintained without their consent *."

The hardships the *Virginians* experienced from restrictions on their trade under *Oliver Cromwell*, together with their attachment to the royal family, induced them to seize the occasion of the death of the protector's governor, for applying to Sir *William Berkely*, who had lived privately during the revolutions of the day, to resume the government of the colony, to which he consented, on their solemnly promising to venture their lives and fortunes with him for Charles II. Before they had heard of the death of Cromwell, *Charles* was proclaimed by them king of England, Scotland, Ireland, and Virginia. During the distresses to which the royalists were exposed in England prior to this event, they resorted to that colony, so that Virginia contained about 30,000 persons at the restoration. Sir William Berkely, in his answer to the inquiries of the lords of the committee 1671, of the colonies writes, June 20, 1671, "there are 40,000 persons, men, women, and children, 2000 black slaves, and 6000 christian servants for a short time." You will not have your good opinion of him heightened for his adding—"I thank God there are no free schools, nor printing, and I hope we shall not have them these hundred years. For learning has brought disobedience, and heresy, and sects into the world, and printing has

* Bland's Inquiry into the rights of the British colonies.

divulged them and libels against the best government. God keep us from both * !”

You will remark, that, however zealous the Virginians were to honor the Charles's with their loyalty, they boldly declined complimenting king, commonwealth, and protector, with their liberties.

Maryland comes now to be considered.

Sir *George Calvert* was one of the original associates in the great Virginia company, and continued a member of that corporation during its existence: and, as secretary of state, he acted as one of the committee of council for the affairs of the plantations while James I. lived. Sir George, in his reign, having thought proper to alter his religious sentiments and embrace popery, ingenuously avowed the change. The king pleased with his sincerity, granted him a part of *Newfoundland*, which the French at length obliged him to abandon. His majesty further testified his regard, by creating him lord Baltimore of Ireland. King *Charles*, to compensate for his loss of the Newfoundland territory, gave him a grant of the country on the north side of the *Chesapeake-bay*.

His lordship died April 15, 1632, before the patent 1632. was made out; on which his son Cecil took it out in his own name the June following. Charles, in honor to his royal consort Henrietta Maria, named the colony Maryland; and, being desirous of gratifying the proprietary all in his power, invested him with as much sovereignty as could well consist with an immediate subjection to the crown of England. His lordship, with the assent of the freemen or their delegates, whom he

* Chalmers's Political Annals, under Virginia.

was required to assemble for that purpose, might make laws of what kind soever for the province, so that they were not repugnant, but agreeable to the jurisprudence and rights of the realm of England; and he was authorized to execute the acts of the assembly. There was no clause in the charter obliging him to transmit their acts to the king for approbation or dissent: nor any saving of the royal interference in the government of the colony. Charles reserved to himself, and his heirs for ever, imposts, duties, and customs, which the colonists were bound to pay; but declared in the same charter, "We, our heirs and successors, shall at no time set and make, or cause to be set, any imposition, custom, or taxation, on the inhabitants of the province, for their lands, goods, tenements, or chattels, within the said province." By this clause the king covenanted for himself, heirs, and successors, that, having reserved for ever the imposts, duties, and customs, he would not contribute toward setting upon the inhabitants any imposition, custom, or taxation, for their lands, goods, tenements, or chattels, within the said province; and therein bound both himself and them, not to assent to any bill subjecting the inhabitants to an internal taxation by an external legislation.

The first emigration consisted of two hundred gentlemen of considerable fortune and rank, with their adherents, chiefly Roman Catholics, who hoped to enjoy liberty of conscience, under a proprietary of their own profession. They sailed from England in November, 1633, and landed in Maryland the beginning of 1633. Governor *Calvert*, brother to lord Baltimore, very wisely and justly purchased, by presents of various goods, the rights of the Indians, and with their free consent took possession

possession of their town, which he called St. Mary's. The country was settled with so much ease, and furnished with so many conveniences, that emigrants repaired thither in such numbers, that the colony soon became populous and flourishing. A third assembly of freemen was held at St. John's in February 1638-9, 1639¹ when an act was passed, "for establishing the house of assembly." It enacted, that those who shall be elected pursuant to writs issued, shall be called burgesses, and shall supply the place of the freemen who chose them—that the gentlemen summoned by the special writ of the proprietary, and those freemen who shall not have voted at any of the elections, together with the governor and secretary, shall be called "the house of assembly"—that all acts assented to by that body, shall be deemed of the same force, as if the proprietary and freemen had been personally present. Slavery seems to have gained an early establishment in Maryland, for an act of this assembly describes "the people" to consist of all christian inhabitants, "slaves only excepted." The persecuting laws which were passed by the Virginians, soon after this period, against the puritans, made the latter emigrate in considerable numbers to Maryland, that they might enjoy, under a popish proprietary, that liberty of conscience of which they were deprived by fellow protestants.

In 1642 the burgesses "desired that they might be 1642² separated, and sit by themselves, and have a negative"—such was their progress in entertaining just conceptions of their own democratic rights. The governor did not grant their request; but they were afterward more successful. The assembly of 1649 was assuredly divided 1649³

into two parts, and transacted business in the form of an upper and lower house. That assembly which convened in April enacted, that no persons professing to believe in Jesus Christ shall be molested in respect of their religion, or in the exercise thereof, or be compelled to the belief or exercise of any other religion against their consent, so that they be not unfaithful to the proprietary, or conspire against the civil government—that those reproaching any with opprobrious names of religious distinction, shall forfeit ten shillings to the persons injured—that any one speaking reproachfully against the blessed Virgin, or the apostles, shall forfeit five pounds—but blasphemy against God shall be punished with death.

1650. In 1650 a law was passed “for settling this present assembly.” It enacted, that those who were called by special writ shall form the upper house—that those who were chosen by the hundreds shall compose the lower house—and that all bills which shall be assented to by the two branches of the legislature thus established, and assented to by the governor, shall be deemed the laws of the province, and have the same effect as if the freemen were personally present. There was also passed “an act against raising money without the consent of the assembly.” It mentioned, “That no taxes shall be assessed or levied on the freemen of the province without their own consent, or that of their deputies, first declared in a general assembly.” The printed words and early date of this Maryland act demand particular notice. The acts of the general assembly and governor were of the same force in their own province, as acts of parliament in England; and could not be repealed with-

out

out the concurring assent of the proprietary, or his deputy, with the other two estates.

Carolina follows Maryland in the order of existence.

A few adventurers emigrated from the Massachusetts, and settled round *Cape Fear*, about the time of the restoration. They considered mere occupancy, with a transfer from the natives, without any grant from the king, as a good title to the lands which they possessed. They deemed themselves entitled to the same "civil privileges" as those of the country whence they had emigrated. For years they experienced the complicated miseries of want. They solicited the aid of their countrymen: and the general court, with an attention and humanity which did it the greatest honor, ordered an extensive contribution for their relief. But the final settlement of the province was effected equally through the rapacity of the courtiers of Charles II. and his own facility in rewarding those, to whom he was greatly indebted, with a liberality that cost him little. The pretence, which had been used on former occasions, of a pious zeal for the propagation of the gospel among the Indians, was successfully employed to procure a grant of the immense region, lying between the 36° of north latitude, and the river St. Matheo under the 31°. March 24, 1663, this territory was erected into a province by the name of *Carolina*; and conferred on Lord Clarendon, the Duke of Albemarle, Lord Craven, Lord Berkeley, Lord Ashley, Sir George Carteret, Sir John Colleton, and Sir William Berkeley, as absolute lords proprietaries for ever, saving the sovereign allegiance due to the crown. The charter seems to have been copied from that of Maryland, so extensive in its powers, and so

noble in its privileges. The noblemen held their first meeting in May; and, at the desire of the New England people above-mentioned, published propofals to all that would plant in Carolina. They declared, that all persons settling on Charles-river, to the southward of Cape Fear, should have power to fortify its banks, taking the oath of allegiance to the king, and submitting to the government of the proprietaries—that the emigrants might present to them thirteen persons, in order that they might appoint a governor and a council of six for three years—that an assembly, composed of the governor, the council, and delegates of the freemen, should be called as soon as circumstances would allow, with power to make laws, not contrary to those of England, nor of any validity after the publication of the dissent of the proprietaries—that every one should enjoy the most perfect freedom in religion—that during five years, every freeman should be allowed one hundred acres of land, and fifty for every servant, paying only an half-penny an acre—and that the same freedom from customs, which had been confirmed by the royal charter, should be allowed to every one.

The proprietaries appointed Sir *William Berkeley*, then governor of Virginia, general superintendent of the affairs of the county of Albemarle, within the boundaries of which, a small plantation, of the New Englanders probably, had been established for some years, on the north eastern shores of the river Chowan. Sir William Berkeley repaired to the county, confirmed and granted lands on the conditions before-mentioned, appointed Mr. Drummond the first governor, and likewise other officers, and then returned to Virginia.

The

The assembly of 1666, being dissatisfied with the tenures by which they held their lands, petitioned the proprietaries, that the people of Albemarle might hold their possessions on the same terms on which the Virginians enjoyed theirs, and were gratified.

The proprietaries appointed *John Yeamans*, a respectable planter of Barbadoes, commander in chief of Clarendon county, stretching from Cape Fear to the river St. Matheo; and he was at the same time created a baronet. To secure its prosperity, the same powers were conferred, and the same constitution established, as those which had made Albemarle happy.

A settlement was also now projected to the southward of Cape Romain, which acquired the name of Carteret. Thus a variety of separate and independent colonies, each of which had its own government, its own assembly, its own customs and laws, were established in Carolina.

In June the proprietaries obtained a second charter, 1665, which recited and confirmed the former. They were enabled to make laws for the province, with the consent of the freemen or their delegates: and likewise to grant titles of honor by the creation of a nobility. No one prerogative of the crown was reserved, except the sovereign dominion.

Samuel Stevens esq; was appointed governor of Albemarle in October, and was commanded to act agreeable to the advice of a council of twelve, the one half of which he was to appoint, the other was to be chosen by the assembly. The assembly was to be composed of the governor, the council, and twelve delegates chosen annually by the freeholders. Various regulations provided for the security of property; and no taxes

were to be imposed without the consent of the assembly. The proprietaries might mean no more, than that neither they, nor the governor and council, should impose taxes without the consent of the assembly: but the mode of expression tended to confirm the people at large in the opinion of their being exempted from all taxes which had not the consent of their own assembly. The settlers had their lands confirmed, and granted to be now held by the free tenure of soccage, expressing a certain rent and independence. All men were declared entitled to equal privileges, on taking the oath of allegiance to the king, and of fidelity to the proprietaries.

1669. It was not till 1669 that an assembly constituted as above-mentioned was convened: when it was enacted—"none shall be sued, during five years, for any cause of action arising out of the country—and none shall accept a power of attorney, to receive debts contracted abroad." Hence this colony was long considered as the refuge of the criminal, and the asylum of the fugitive debtor.

The proprietaries, at length dissatisfied with every system which they had hitherto devised for the government of their province, signed, in July, a body of *fundamental constitutions* compiled by the celebrated Locke, giving as a reason, "That we may establish a government agreeable to the monarchy of which Carolina is a part, and may avoid making too numerous a democracy."

By this edict a palatine was to be chosen from among the proprietaries for life; who was to act as president of the palatine court, composed of the whole; which was intrusted with the execution of the powers of the charter. A body of hereditary nobility was created, and
denominated

denominated landgraves and caciques; the former were to be invested with four baronies, each consisting of 12,000 acres; the latter to have two, containing one half of that quantity: and these estates were to descend with the dignities inseparably. There were to be as many landgraves as counties; and twice as many caciques, but no more. Two fifths of the counties, styled signories and baronies, were to be possessed by the nobility; the other three fifths, called the colonies, were to be left among the people.

The provincial legislature, dignified with the name of parliament, was to be biennial, and to consist of the proprietaries, alias landgraves, or the deputy of each, of the cacique nobility, of the representatives of the freeholders of every district, who were to meet in one apartment, and every member to enjoy an equal vote: but no business was to be proposed till it had been debated in the grand council, whose duty it was to prepare bills for the parliamentary consideration. The grand council was to be composed of the governor, the nobility, and the deputies of the proprietaries, these being absent; and was invested with the executive of the province. The church of England alone was to be allowed a public maintenance by parliament; but every congregation might tax its own members for the support of its own ministers; and to every one was allowed perfect freedom in religion. However the most degrading slavery was introduced, by investing in every man the property of his negro *.

These constitutions, consisting of 120 articles, and containing a great variety of perplexing regulations,

* Locke's Works, Vol. IV. p. 519, &c. 1779.

were

were declared to be the sacred and unalterable rule of government in Carolina for ever: and yet they were never altogether adopted. The parties engaged in this act of legislation should have reflected, that the inhabitants had settled on conditions, which it was no longer in their power to abrogate; and that, in the forms of government which had been actually established, the people had acquired an interest which could not be taken away without their consent.

1670. A number of emigrants were sent in January, under *William Sayle*, Esq; appointed governor of that part of the coast which lies south-westward of Cape Carteret, to form a colony at Port-Royal. They arrived safe: and as it was found impracticable to conform to the constitutions, it was determined to keep as close to them as possible. Sayle dying, Sir *John Yeamans* had his command extended to and over this colony, in August, 1671. This year planters resorted from Clarendon on the north, and Port-Royal on the south, to the banks of Ashley-river, for the convenience of pasture and tillage; and laid on the first high land the foundation of old Charles-Town. The proprietaries promulgated temporary laws, till through a sufficient number of inhabitants, government could be administered according to the fundamental constitutions. The temporary laws were of no long duration, being derided by a people without whose consent they had been established.

1674. In May, *Joseph West* esq; was appointed governor of the southern colony, in the room of Sir John Yeamans, with whose conduct the proprietaries were dissatisfied. But the difficulty of establishing the colony was not overcome for years; not till people repaired to it at their

their own expence, and men of estate ventured thither under the full persuasion of being fairly treated. In expectation of such treatment, the dissenters, being harassed by persecutions in England, and dreading a popish successor, emigrated to Carolina in great numbers, and made a considerable part of the inhabitants. They acquired the honor of introducing religion into the province, while they strengthened it also by their personal accessions. But the promising appearances of the country inviting over many of a very different stamp, after a while disturbances followed.

The planters being informed, that the *Oyster-point*, so delightfully formed by the confluence of the rivers Ashley and Cooper, was more convenient than what was fixed upon eight years before, and the proprietaries encouraging their inclination, they began to remove, and in the subsequent year laid the foundation of the 1680. present Charles-town, and built thirty houses. It was instantly declared the *port* for the purposes of traffic, and the *capital* for the administration of government. It was long unhealthy; but the adjacent country being now cleared and cultivated, it is allowed to enjoy the most salubrious air of Carolina.

Though the province had been formed into manors and baronies, it was not till 1682, that it was divided 1682. into three counties. In the Autumn of this year, governor West held a parliament; and afterward immediately resigned his administration to Mr. Joseph Moreton. Thence commenced a reiterated change of governors. Kyle, West, Quarry, Moreton, were successively appointed. There was a similar change of every public officer. These changes produced turbulency and faction.

But

But prior to this period, an insurrection broke out in
 1677. the colony of Albemarle, in December, 1677. At the
 end of two year's successful revolt, Culpeper, who was
 deeply concerned in the business, was dispatched with
 another person to England with a promise of submission to
 the proprietaries, on certain conditions. When about
 to return, after executing his trust, he was impeached
 by the commissioners of the customs, for acting as col-
 lector without their authority, and embezzling the king's
 revenue in Carolina. He was seized on board a vessel
 1680. in the Downs, brought back, and in Trinity-term, 1680,
 tried by virtue of the statute of *Henry VIII.* on an in-
 dictment of high-treason committed without the realm.
 The famous Lord Shaftesbury, then in the zenith of his
 popularity, appeared on his behalf, and represented, con-
 trary to the most undoubted facts, "That there never
 had been any regular government in Albemarle, that
 its disorders were only feuds between the planters, which
 could only amount to a riot." On this *Culpeper* was
 acquitted. He is the first colonist who appears to have
 been regularly tried in the court of King's-bench upon
 that statute *: but he was not transported from America in
 order to trial. His acquittal induced the proprietaries to
 resolve upon governing, in future, according to the portion
 of obedience, which the insurgents should be disposed
 to yield. They recommended, however, an healing
 disposition. But the persons bearing the chief sway,
 being actuated too much by a vindictive spirit, pro-
 ceeded against their opponents by imprisonment, fine,
 and banishment. The scenes of anarchy produced by
 these measures were not changed, nor the condition of

* Chalmers's Political Annals, B. I. p. 537, 538.

the colony mended by the arrival of governor *Seth Sothel*, in 1683, who was sent in hope of quieting the 1683. disorders by his authority, as he had purchased Lord Clarendon's share of the province. He was guilty of that bribery, extortion, injustice, rapacity, breach of trust, and disobedience of orders, for five years, that the inhabitants, driven almost to despair, seized him with a view of sending him to England to answer to their complaints: but upon his intreaties, and offering to submit their mutual accusations to the next assembly, they accepted his proposal. The assembly gave judgment against him in all the above-mentioned particulars, and compelled him to abjure the country for twelve months, and the government for ever.

Charles-town having been made the provincial port, the first collector was established there in 1685. The 1685. governor and council were at the same time ordered, "Not to fail to show their forwardness in assisting the collection of the duty on tobacco transported to other colonies, and in seizing ships that presumed to trade contrary to the acts of navigation." Little regard was paid to orders so contrary to the views of every one. An illicit trade was not only practised, but justified under a clause of the patent, *which the people believed to be of superior force to the law*. Though the royal grant of 1665 was passed subsequent to the act of navigation, the present exemption was insisted upon, with the same spirit that it was contended during this reign, that a king of England may dispense with the law. The principle of the Carolinians, and the doctrine so fashionable at the court of James, were therefore exactly the same.

James

1686. *James Colleton*, esq; a proprietary, was appointed governor, in August. The next year he called an assembly, in which he and his party took upon them to pass such laws as lost him the affections of the people. During the ferments that followed, Seth Sothel, whom we have seen banished from Albemarle, suddenly arrived at Charles-town. Countenanced by a powerful party, and presuming on his powers as a proprietary, he seized the reins of government in 1690, notwithstanding the opposition of governor and council. A general return of members was procured, who readily sanctified by their votes whatever was dictated by those that had thus acquired power. Colleton, whose conduct had been far from blameless, was instantly impeached of high crimes and misdemeanors, disabled from holding any office, and banished. Others were fined, imprisoned, and expelled the province. The proprietaries appointed
1692. a new governor; and the next year, upon the requisitions of the Carolinians, abrogated Mr. Locke's system of laws, *the fundamental constitutions*, which far from having answered their end, introduced only dissatisfaction, and disorders, that were not cured till the final dissolution of the proprietary government *. The operation and fate of Mr. Locke's system may convince us of this truth, that a person "may defend the principles of liberty and the rights of mankind, with great abilities and success; and yet after all, when called upon to produce a plan of legislation, he may astonish the world with a signal absurdity †."

* Most of what is said upon Carolina is taken from Chalmers's *Political Annals*; under the head of that province.

† A Defence of the American Constitutions of Government, by John Adams, esq; p. 365.

Governor *Archdale* arrived at Carolina in August. 1695. He managed with great prudence, and succeeded so well that the assembly voted him an address of thanks. He was succeeded by *Joseph Blake* esq; whose sentiments were so liberal, that, though a dissenter, he prevailed with the assembly to settle 150 l. *per annum* upon the episcopal minister of Charles-town for ever, and likewise to furnish him with a good house, a glebe, and two servants. A very different spirit wrought in the earl of Bath, when he succeeded to the power of palatine, and became 1701. eldest proprietary. Being a zealot for the church of England, he was ambitious of establishing its worship, and of excluding non-episcopalians from a share in the government of Carolina; a similar principle was at that time too prevalent in England. His views were seconded by the pliability of governor *Moor*, who was after a while succeeded by Sir *Nathaniel Johnson*. Then the assembly being convened, a bill was brought in for the more effectual preservation of the government, by requiring all persons chosen members of the assembly, to conform to religious worship, and receive the sacrament of the Lord's-supper, according to the usage of the church of England. By this act, all dissenters were disqualified from sitting in the assembly, though legally elected, and the candidate who had the greatest number of voices, after the disqualified dissenter, was to be admitted. The passing of this act was unconstitutional and oppressive. Another bill was passed for establishing religious worship in the province, according to the church of England, and also for the erecting of churches, the maintenance of ministers, and the building of convenient parsonages. Both these acts were afterward

4 signed

signed and settled by John Lord Granville, then palatine, for himself and the other proprietors. In consequence of the last act, many oppressions were committed by the government against the dissenters; who labored under these and other grievances, till the matter at length was brought before the house of lords, who, having fully weighed the same, addressed the queen in favor of the Carolinians; and the laws complained of
 1706. were declared null and void.

An Indian war having broken out in Carolina, and the proprietaries finding themselves unable to maintain it against the Indians, while these were supported by the
 1728. French and Spaniards, resolved to surrender their charter to the crown. One-eighth of the province belonged to Lord Carteret. The proprietors of the other seven-eighths were to receive for their cession 17,500 l. together with 5000 l. more, due to them from the province on account of outstanding debts. The surrender and payment was confirmed by a British act of parliament, wherein was a clause, reserving alway to John Lord Carteret, his heirs, executors, administrators, and assigns, all such estate, right, and title to one-eighth part of the share of the said provinces or territories, and to one-eighth part of all arrears, as was his due. After passing the act, the British government applied itself in earnest to encourage this colony, and *Robert Johnson*, esq; was appointed governor, and continued such till he died in
 1735. 1735; in which year Carolina was divided into two colonies, North and South, and each placed under a separate governor*.

* The Modern Universal History, Vol. XL. 1763.

Pennsylvania and the *Delaware Counties* next demand our attention. Mr. *William Penn*, one of the joint purchasers of the western part of the *Jerseys*, having received the most exact information of the country to the westward of the *Delaware*, while engaged in the administration of the joint purchase, became desirous of acquiring a separate estate.

He presented a petition to *Charles II.* in June, stating ^{1680.} not only his relationship to the late admiral; but that he was deprived of a debt due from the crown, when the exchequer was shut. He prayed for a grant of lands, lying to the northward of *Maryland* and westward of the *Delaware*; and added, that, by his interest, he should be able to settle a province which might, in time, repay his claims. Having the prospect of success, he copied from the charter of *Maryland* the sketch of a patent which in November was laid before the attorney-general for his opinion. Penn had the same object in view as Lord *Baltimore* had, the guarding against the exertions of prerogative, which experience had taught both were very inconvenient. The attorney-general declared the clause of exemption from taxation illegal: and chief justice *North*, being of the same opinion, and observing its tendency, added the saving of the authority of the English parliament, so that it was stipulated by the king, for himself and his successors, "that no custom or other contribution shall be laid on the inhabitants or their estates, unless by the consent of the proprietary, or governor and assembly, or by act of parliament in England."

The next year the patent was granted, in consideration ^{1681.} of "the merits of the father, and the good purposes of the son, in order to extend the English empire, and to

promote useful commodities." It was provided by fit clauses, that the sovereignty of the king should be preserved; and that acts of parliament, concerning trade and navigation and the customs, be duly observed. Penn was empowered to assemble the freemen, or their delegates, in such form as he should think proper, for raising money for the uses of the colony, and for making useful laws, not contrary to those of England, or the rights of the kingdom. A duplicate of the acts of the assembly was to be transmitted within five years to the king in council, and the acts might be declared void within six months, if not approved.

The novel introduction of the clause subjecting the inhabitants of Pennsylvania to taxation by act of parliament, might afford an argument against being so taxed, to all the colonies whose charters contained no such clause. Dr. Franklin being asked, when examined by the house of commons, in the time of the stamp act, "Seeing there is in the Pennsylvania charter, an express reservation of the right of parliament to lay taxes there, how could the assembly assert, that laying a tax on them by the stamp act was an infringement of their rights?" answered, "They understand it thus—By the same charter and otherwise they are entitled to all the privileges and liberties of Englishmen. They find in the great charters and the petition and declaration of rights, that one of the privileges of English subjects is, that they are not to be taxed, but by their own consent: they have therefore relied upon it, from the first settlement, that the parliament never would or could, by colour of that clause, tax them till it had qualified itself for the exercise of such right, by admitting representatives

tives from the people to be taxed." You will recollect governor Nicholson's writing in 1698, " a great many people in all the colonies, especially in those under proprietaries, think that no law of England ought to be binding to them without their own consent; for they foolishly say, they have no representatives sent from themselves to the parliament of England." [p. 43.]

The Pennsylvanians, it may be noted, were not declared by the patent to be English subjects. There was no express stipulation, as had been inserted in all other colonial patents, " that the Pennsylvanians and their descendants should be considered as subjects born within the realm;" for the lawyers who revised it, considered such declarations as nugatory, since they were inferred by law *. If the right of the English parliament to tax the colonies could also have been inferred by law, why was not the express reservation of that right considered likewise as nugatory?

In May, Penn detached Mr. Markham, his kinsman, with a small emigration, in order to take possession of the country, and prepare it for a more numerous colony. Care was taken to order an humane attention to the rights of the Indians.

The frame of government for Pennsylvania was published in April. It was forced from the proprietary by friends, who would not have settled his country, unless gratified in whatever they demanded. It underwent a similar fate with the constitutions of Locke; and after a variety of alterations, was at length wholly laid aside, and a simpler form established. As a supplement to the frame, there was published, in the subsequent May, a

* Chalmers's Political Annals, under the head of Pennsylvania.

body of laws agreed upon in England by the adventurers, which was intended as a great charter; and does honor to their wisdom as statesmen, to their morals as men, and to their spirit as colonists.

Mr. Penn desirous of carrying his region southward to the Chesapeake, was continually soliciting the duke of York, for a grant of the *Delaware colony*. The prince at length wearied out, conveyed in August the town of Newcastle, with a territory of twelve miles round; as also that tract of land extending southward from it upon the Delaware to Cape Henlopen. It was known to both parties, that the title of what was now granted was extremely exceptionable, as the duke could transfer no other right than mere occupancy in opposition to the legal claim of Lord Baltimore. Penn, however, who was intent on his own interest in those parts, immediately assumed the powers of jurisdiction.

When, for the first time, he arrived on the banks of the Delaware, October the 24th, he found them inhabited by 3,000 persons, composed of Swedes, Dutch, Finlanders, and English. Not only his own colonists, but the rest, received him with joy and respect. He was accompanied thither by about 2000 emigrants, who being either quakers or other dissenters, wished to enjoy their peculiarities and religion, in a country that offered a peaceful asylum to the persecuted. Mr. Penn immediately entered into a treaty with the Indians, and, agreeable to the bishop of London's counsel, purchased from them as much of the soil as the circumstances of the colony required, for a price that gave them satisfaction: he also settled with them a very kind correspondence. In December, he convened the first assembly

at

at Chester, consisting of seventy-two delegates from the six counties, into which they had divided Pennsylvania and the Delaware colony, soon after denominated the *territories*. The inhabitants proposed that the deputies might serve both for the provincial council and general assembly; three out of every county for the former, and nine for the latter. Their proposals were passed by the assembly without hesitation into an act of settlement. The persons returned were declared to be the legal council and assembly, and every county was empowered to send the same number in future, which in the same manner should constitute the legislature; and after the addition of a few other explanations, the modified frame of government was solemnly recognised and accepted. Then an act was passed, annexing the territories to the province, and communicating to the one the same privileges, government, and laws, as the other already enjoyed. Every foreigner who promised allegiance to the king, and obedience to the proprietary, was at the same time declared to be a freeman, and entitled to his rights. By the legislative regulations, established as fundamentals by this assembly, factors who wronged their employers were to make satisfaction and one-third over—not only the goods, but the lands of the debtor were subjected to the payment of debts—every thing which excited the people to rudeness, cruelty, and irreligion, was to be discouraged and severely punished—no person acknowledging one God, and living peaceably in society, was to be molested for his opinions or practice, or to be compelled to frequent or maintain any ministry whatsoever. It was a principle of the great charter, “that children shall be taught some useful

trade, to the end that none may be idle, but the poor may work to live, and the rich, if they become poor, may not want."

Penn, dissatisfied with the act of settlement, without difficulty created a second frame, agreeing partly with the first, modified according to the act of settlement in certain particulars, and in some measure essentially different from both: to which he procured the assent of the next assembly, in 1683; but which in time shared the fate of the former.

1684. He departed for England. The most violent dissensions followed almost instantly upon it, the provincial council and the assembly contending eagerly with regard to their mutual privileges and powers. Tranquility was not restored by the deputy governor Blackwell, who entered upon his government in December 1688.

1685. Toward the close of this year Mr. Penn obtained a new grant of the Delaware colony, which he had been soliciting for some time.

1688. The Pennsylvanians and their rulers, when Blackwell entered upon his administration, were so much engaged in their own contests and pursuits, and so actuated by the principles of their superior [the proprietary, whose attachments to James II. during those days are well known] that they seem to have disregarded that signal revolution which transferred their allegiance and Pennsylvania to the prince and princess of Orange: for the very laws and government of the province were administered in the name of the abdicated monarch, long after William and Mary had been formally proclaimed in other colonies.

It is a singularity in the history of this province, that neither its various systems, nor its fundamental laws, were communicated to the king for dissent or approbation, though strongly enforced *.

Penn's adherence to James carried him to such lengths, that he was considered as an inveterate enemy to the protestant establishment, and was for some time excepted out of the acts of grace published by William and Mary; who appointed colonel *Fletcher*, by the same commission, governor both of New-York and Pennsylvania. In the commission no manner of regard seems to have been had to the original charter. But when the assembly met, though sixteen short in number to what had been before usual, through the change made in the writs, they passed a vote, *nem. con.* "That the laws of this province, which were in force and practice before the arrival of this present governor, are still in force; and that the assembly have a right humbly to move the governor for a continuation or confirmation of the same." That and subsequent assemblies showed such a fixed determination to secure their rights, that neither governor nor lieutenant governor could bring them to bend to their wishes.

In 1696 Penn had so well managed matters at the 1696. court of England, that he was restored to his right of naming a governor: and in the beginning of 1700 he 1700. went to Pennsylvania in person. After the meeting of several assemblies, he convened one in September 1701, 1701. and informed them of the indispensable necessity he was under of going to England, to obviate some ill offices done by his and their enemies with the government

* Chalmers's Annals.

there; but offered to do every thing that was in his power to secure to them their privileges and properties; The assembly, in their answer, expressed their dissatisfaction at the state of both, and required further security; to which he gave evasive answers, but offered to leave the nomination of the deputy governor to themselves; they declined it, and went upon a new charter of privileges.

This introduced a breach between the members of the province, and those of the territories; the latter insisting upon some particular privileges, which, when refused by the others, made them withdraw from the meeting, and it required all the authority and address of the proprietary to make up the breach. At last, after great heart-burnings on both parts, just when Mr. Penn was about to embark, a charter of privileges was presented to him, and being ratified by him, became the rule of government in Pennsylvania. By this important charter liberty of conscience is granted; and all christians, of whatever denomination, taking the proper oaths of allegiance and fidelity, are enabled to serve the government, either legislatively or executively. The exclusion of all persons from the legislative and executive branches, however eminently qualified, and well behaved as members of civil society, unless they are christians, does not accord with that general liberty which ought to prevail in national communities, now that the existence of all theocracy is ended by the introduction of the kingdom of Christ. The piety of the theorist, and the subtilty of the politician, desirous of securing the support of christians, may introduce the exclusion into
written

written or printed agreements, but cannot establish a practical exclusion of persons opposed to christianity. He must be both simple and uninformed, who will not admit, that many deists have served the Pennsylvania and other excluding governments, either legislatively or executively.

By the second article of the charter it is provided, that an assembly shall be yearly chosen by the freemen, to consist of four persons out of each county, or of a greater number, if the governor and assembly shall so agree, on the 1st of October for ever, and shall sit on the 14th following, with power to choose a speaker and other their officers, and be judges of the qualifications and elections of their own members; shall sit upon their own adjournments, prepare bills, impeach criminals, and redress grievances; and shall possess all other powers and privileges of an assembly, according to the rights of the free-born subjects of England, and the customs observed in any of the king's plantations in America. If any county or counties shall neglect to send deputies, those who meet, provided they are not fewer in number than two thirds of the whole, shall be considered as the legal representatives of the province.

By the eighth article, in cases of suicide, all property is to descend to the next heirs, as if the deceased had died a natural death: nor is the governor to be entitled to any forfeiture, if a person shall be killed by casualty or accident. The same article provides, that no act, law, or ordinance whatsoever, shall at any time hereafter be made, to alter or diminish the form or effect of this charter, or of any part of it, without the consent of the governor for the time being, and six parts in seven
of

of the assembly met—that the first article, relating to liberty of conscience, shall be kept without any alteration inviolably for ever—and that William Penn, for himself, &c. does solemnly declare, that neither he, &c. shall do any thing whereby the liberties, in this charter contained, nor any part thereof, shall be infringed; and that if any thing shall be done by any person contrary thereto, it shall be held of no effect.

This new constitution differed greatly from the original. The governor might nominate his own council, and he was left single in the executive part of the government, and had liberty to restrain the legislative, by refusing his assent to their bills. The assembly, on the other hand, acquired the important privilege of propounding laws, as well as of amending or rejecting them; but though this new constitution was thankfully accepted by the province, it was unanimously rejected by the territories; and affairs stood in this untoward state when the proprietary sailed for England. The representatives of the province and those of the territories divided, and acted as two distinct bodies: and the attempts to unite them proved ineffectual.

The *territories* consisted of the three counties, *Newcastle, Kent, and Sussex* on the Delaware, and are commonly known by the name of the three *Lower Counties on the Delaware*.

Notwithstanding Mr. Penn is celebrated as the wisest of legislators, the assembly, about the year 1704, unanimously came to nine resolutions, in which they complain with great grief of him, “ for undermining his own foundations; and by a subtle contrivance, laid deeper than the capacities of some could fathom, finding a way

to lay aside the act of settlement, and dissolve his second charter *." He was likewise charged with having extorted from the province great sums of money. They complained also of the abuses of surveyors, the clerks of the courts, and justices of the peace, who, they said, were all put in by the proprietary, so that he became his own judge in his own cause. These and other matters were the heads of a representation, or rather remonstrance, drawn up and sent to Mr. Penn then in England, in which he is represented as an oppressor, and as falsifying his word in almost every respect with the provincials †.

The disputes which subsisted in Pennsylvania were greatly augmented by the intemperance of the quakers themselves, who, notwithstanding all their zeal for liberty of conscience, persecuted, about or soon after 1694, George Keith (who had been one of their most famous preachers) upon his conforming to the church of England; and went so far as to throw him into prison. They apologized for their conduct by pleading, that they did not punish him for his religious principles, but for having insulted the civil government ‡. If this was a good plea, the New Englanders might gain great advantages from it, in vindicating themselves as to many of the severities they practised upon the quakers, who insulted their civil governments, beyond what will be easily credited by those, who have not had the opportunity of knowing the transactions of that period, or are not acquainted with the abusive language of some of the then leaders of that

* Chalmers's Annals, p. 654.
History, Vol. XLI. p. 19. 1764.

† The modern Universal

‡ Ibid. p. 20.

denomination—language which the body of modern quakers will not vindicate.

It only remains to give a concise account of the settlement of *Georgia*.

1732. In 1732 a number of gentlemen, considering the vast benefit that might arise from the tract of land lying between the Savannah and the river Alatamaha, petitioned the king for a charter, which was accordingly granted on the ninth of June. They meant, that the country should be made a bulwark for the southern colonies against the Spaniards; and should give employment to numbers of people, who were burdensome at home to their friends and parishes. The charter constituted them a corporation, by the name of trustees for establishing a colony, by the name of *Georgia*, including the country from the most northern stream of the Savannah, to the most southern stream of the Alatamaha. The corporation was to subsist for 21 years; and after the expiration of that term, the governor and all officers were to be appointed by the crown.

Toward the end of August Sir Gilbert Heathcote recommended, in the strongest terms, to the directors of the bank, the interests of the colony. His speech had the desired effect, and the members of the court, after his example, contributed largely toward the undertaking, as did great numbers of the nobility, gentry, clergy, and others; and the parliament granted 10,000*l*. By the beginning of November, about a hundred and sixteen colonists presented themselves, most of them laboring people; and were furnished with working tools of all kinds, stores, and small arms. Mr. *Oglethorpe*, one of the trustees, generously attended the first set of emigrants

emigrants to Carolina, where they arrived in good health on the 15th of January following. The Carolinians 1733- made them a present of 100 breeding cattle, besides hogs, and twenty barrels of rice; and furnished them with a party of horse and with scout boats, by the help of which they reached the Savannah, where Mr. Oglethorpe, ten miles up the river, pitched upon a spot for a town; and on February the 9th the building of the first house commenced. The colonists were most generously assisted by the Carolinians and their governor, Colonel Bull, not only with their purses, but their labor, in raising the new town, named Savannah from the river.

Mr. *Oglethorpe* was waited upon by a numerous deputation from the Lower Creek nation, with whom he concluded a treaty; and soon after set out for Charles-town on his return to England, where he arrived in 1734, bringing with him several Indian chiefs 1734- and a war captain. But before the end of March this year, more emigrants to the amount of six hundred, were either sent over by charity, or went at their own expence.

On the 30th of October the Indians embarked for their own country, having had an allowance while in London of 20 l. a week, of which they spent little, as they commonly eat and drank at the tables of persons of the highest distinction. They moreover received presents to a very considerable amount. They embarked at Gravesend in a ship which carried over a number of Saltzburghers, being German protestants, who, with others of their countrymen that followed, settled on the Savannah a town they called Ebenezer, and which by their habits of industry and sobriety soon became considerable. The Georgians made a surprising

progress

- progress in clearing their lands and building their houses; and, as an encouragement, the British parliament granted them a supply of 26,000 *l.* which, with very great private donations, was expended upon strengthening the south part of Georgia. This being a necessary service for the colony, the trustees pitched upon the highlanders of Scotland, 160 of whom went
1735. over in 1735, settled themselves upon Altamaha river, and gave the name of Darien to a fort they built there, to which they afterward added a small town called New Inverness.
1736. In February Mr. Oglethorpe, with about 300 passengers on board two ships, anchored in the road of Savannah. He soon began building another town named Frederica.
1737. A misunderstanding subsisting between the courts of London and Madrid, and advice being sent from South Carolina to Britain, that the Spaniards at St. Augustine and the Havannah were making preparations for attacking Georgia, the government, at the request of the trustees, sent thither a regiment of 600 men, any of whom at the end of seven years might have a regular discharge, and be entitled to a grant of twenty acres of land. The parliament this year granted the colony another supply of 20,000 *l.* which enabled the trustees to send over a fresh embarkation of persecuted protestants.

On the breaking out of the war between England and Spain, Mr. Oglethorpe, being invested with a general's command, proceeded with a body of troops to attack St. Augustine in 1740, but the expedition proved unfortunate.

In 1742 Georgia was invaded by about 5000 Spaniards and Indians from St. Augustine, in about fifty vessels of various kinds, who were repulsed by the general at the head of the English forces, and a small body of Indians. Had the Spanish descent proved successful, the Carolinians must have been in imminent danger: but the general's good conduct secured them, and he received congratulatory letters of thanks from several of the American governors, for his great and important services*.

On the review of what you have read, you will note, that the colonists were very early in declaring, that they ought not to be taxed, but by their own general courts, and that they considered subjection to the acts of a parliament in which they had no representatives from themselves, as a hardship—that like true born Englishmen, when grievously oppressed by governors or others, they resisted, deposed, and banished; and would not be quieted till grievances complained of were redressed—and that not a colony, Georgia excepted, was settled at the expence of government. Toward the settlement of the last, parliament granted 56000 *l.* at three different periods.

* Modern Universal History, Vol. XL. p. 453—463. 1763.

L E T T E R II.

Roxbury, July 9, 1772.

THE present letter begins with some special colonial transactions subsequent to the glorious revolution.

Upon information of the accession of William and Mary, the fort at New York was seized by the rabble, while the lieutenant governor Nicholson and the council waited with anxiety for orders to proclaim their new sovereign. On this occasion, Jacob Leisler placed himself at the head of the insurgents; and notwithstanding the protest of the council, possessed himself by force of a letter transmitted by king William to the lieutenant governor, or to such as for the time execute the law, and instantly assumed the name and exerted the authority of governor. He convened two sessions of assembly in 1690, which passed various laws. But colonel Sloughter, who had been appointed governor in August, 1691. 1689, arriving in March, 1691, Leisler was made prisoner, and, with others, condemned for treason and murder: he and his principal adviser were executed. A legal general assembly was now convened. The precaution taken in the declaration and bill of rights, by the convention and parliament, to state the claims of Englishmen, might naturally induce the Yorkers to propose somewhat similar for themselves, had there been no prior propensity to that business. But the prevailing opinion

opinion of the colonists naturally dictated to them the seizing of the present favorable opportunity. The New York general assembly passed "an act, declaring what are the rights and privileges of their majesties subjects within the province." The law enacts, "That the supreme legislative power and authority under their majesties, shall for ever be, and reside in a governor and council appointed by their majesties, their heirs and successors; and the people by their representatives met and convened in general assembly." It further enacts, "*That no aid, tax, tallage, &c. whatsoever, shall be laid, assessed, levied, or required, of or on any their majesties subjects within the province, &c. or their estates, upon any manner of colour or pretence whatsoever, but by the act and consent of the governor and council, and representatives of the people, in general assembly met and convened.*" This memorable act was a virtual declaration, that the inhabitants of the colony had a right to be represented in assembly, and enjoyed it not as a privilege, through the grace of the crown *. Six years after, in 1697, a negative was put upon the act, probably by the regency, while the king was absent, which was from April the 26th, to the middle of November, when he returned after the peace of Ryswick was settled.

The *Massachusetts* petitioned for a renewal of their former charter, but it could not be obtained; and many reasons were assigned for not granting it; among the rest, its giving them no power to lay taxes and raise money, especially on inhabitants not being of the company, and on strangers coming to or trading with them. One of the chief acts of delinquency alleged in the

* William Smith's History of New York, p. 75.

writ of *scire facias*, issued against their former charter, was, their having levied money of the inhabitants.

1691. King *William* and queen *Mary* granted a new charter, in which *Plymouth*, the *Main*, *Acadia* or *Nova Scotia*, and the tract lying between *Nova Scotia* and the *Main*, were annexed to and made a part of the *Massachusetts*. It was complained of, as being not much more than a shadow of the old; seeing that the appointment of the governor, lieutenant governor, secretary, and all the officers of the admiralty, was vested in the crown; that the power of the militia was wholly in the hands of his majesty's governor as captain general; that all judges, justices, and sheriffs, were to be nominated by the governor with the advice of the council; that the governor had a negative upon the choice of counsellors; that all laws enacted by the general assembly, were to be sent home for the royal approbation or disallowance; and that no laws, ordinances, elections, or acts of government whatsoever, were to be of any validity, without the consent of the governor signified in writing. The new charter, however, conferred on the inhabitants a number of very important privileges, and was to be preferred to the old in many respects. They were informed by the best civilians, that their religious liberties were for ever secured; and that they could be touched by no tax or law, but of their own making; which had a good effect in quieting them under the variations to which they objected.

1692. The first act of the *Massachusetts* legislature, after the arrival of the charter, was a kind of *Magna Charta*, asserting and setting forth their general privileges, and this clause was among the rest, "*No aid, tax, tallage, assessment,*

assessment, custom, loan, benevolence, or imposition whatsoever, shall be laid, assessed, imposed, or levied on any of his majesty's subjects, or their estates, on any pretence whatever, but by the act and consent of the governor, council, and representatives of the people assembled in general court." The general court passed others favorable to liberty, which were perused by the ministers of England at a distant period; and with the preceding, disallowed of by the regency in 1695. In December the reasons of this dissent were transmitted to the governor and council. The following extract from the letter sent by the committee of plantations is subjoined, because of its being so extraordinary and decisive: "Whereas, by the act for securing the liberty of the subject, and preventing illegal imprisonments, the writ of Habeas Corpus is required to be granted, in like manner as is appointed by the statute of 31 Charles II. in England, which privilege has not as yet been granted in any of his majesty's plantations; it was not thought in his majesty's absence, that the said act should be continued in force, and therefore the same hath been repealed."

The above extract makes this a proper place for mentioning, that the ancient colonists being destitute of personal security, for want of an Habeas Corpus act, were in some provinces grievously oppressed. Edward Randolph, surveyor general during the reign of William III. represented their condition to the board of trade March 1700; and among other beneficial regulations, he recommended "That it being the practice of governors to imprison the subjects without bail, the Habeas Corpus act should be extended as fully to the colonies as it is in England." It was accordingly soon after conferred

on Virginia by queen Anne. The council, in their address said upon the occasion, "We the council of Virginia acknowledge your majesty's late favor, in allowing us the benefit of the Habeas Corpus act, and in appointing courts of oyer and terminer, for the more speedy execution of justice, and relief from long imprisonments." The lower house in theirs, said, "We the burgesses now assembled, do beseech your majesty to accept our sincere thanks, for your many favors bestowed on your subjects of this colony. We shall not pretend to enumerate the particulars, nor can we omit mentioning these lately communicated to us by your majesty's royal instructions to your governor, wherein you have asserted to your subjects their legal rights and properties, by allowing them the Habeas Corpus act*."

The extension of the Habeas Corpus act to the plantations by Queen Anne, appears to have been only by instructions to the governors, and not by any act of parliament. By what prerogative could she extend that act to the colonists, were they not before entitled to its benefit? If entitled, it was unjust in any power to deny them the advantage of the act; and the royal favor to the Virginians consisted solely in the queen's *asserting to her subjects their legal rights and properties*, (as the burgesses expressed themselves) by giving suitable directions on the business. The high sense of colonial liberty exhibited by the *Fork* and *Massachusetts* general courts, was opposed by the *English* government.

*696. An act was passed by the parliament, declaring that "All laws, bye-laws, usages and customs, which shall be in practice in any of the plantations, repugnant to

* Chalmers's Political Annals.

any law made or to be made in this kingdom relative to the said plantations, shall be void and of none effect."

There might be no design on the part of the ministry of taxing any of the colonies; but about 1696, a 1696. pamphlet was published, recommending the laying a parliamentary tax on one of them. It was answered by two others much read; which totally denied the power of taxing the colonies, because they had no representation in parliament to give consent. No answer, public or private, was given to these pamphlets; no censure passed upon them; men were not startled at the doctrine, as either new, or illegal, or derogatory to the rights of parliament*.

Though the parliament might not then claim the right of taxing, they claimed the right of punishing disobedience to their laws, with the loss of charter privileges. In the 11th of *William III.* an act was passed for the trial 1699. of pirates in *America*, in which there is the following clause, "Be it further declared, *that if any of the governors, or any person or persons in authority there, shall refuse to yield obedience to this act*, such refusal is hereby declared to be a *forfeiture* of all and every the *charters* granted for the *government* or *propriety* of such plantation."

Severity is stamped upon the very face of the act, in making the disobedience of a governor, the forfeiture of a charter, meant to secure the liberties of thousands, who might not have any the least power of preventing such disobedience. The proprietries and charter colonies were so disinclined to admit of appeals to his majesty in council, and were thought so to thirst after in-

* Lord Camden's speech in April 1766.

dependence, that these and other objections against them
1701. were laid before the parliament, and a bill thereupon
brought into the house of lords for re-uniting the right
of government in those colonies to the crown: but better
councils prevailed, and matters were left unaltered.
Some are for bringing as a precedent for the parliament's
raising a revenue from the colonies, what was passed in
1710. 1710, viz. "An act for establishing a general post-
office for all her majesty's dominions, and for settling a
weekly sum out of the revenues thereof, for the service
of the war and other her majesty's occasions." By this
act the postage of England, Scotland, Ireland, and
America were consolidated, to the end, that a general
post-office might be established through Great Britain
and Ireland, her colonies and plantations in North Ame-
rica and the West Indies, and all her other dominions,
in such manner as might be most beneficial to the peo-
ple; and that the revenue arising from the said office
might be better improved. The consolidation made a
new act necessary; and afforded the opportunity of ad-
vancing the rates of letters. The weekly sum amounted
to 700*l.* and was to be paid out of the revenue for 32
years: the payment was made perpetual in the third
year of her successor, having been, soon after granted,
appropriated by another act toward paying off, with in-
terest at six *per cent.* the principal of 2,602,200*l.* which
government borrowed of the public. By the act, the
post-riders carrying the mail, were exempted from pay-
ing any thing for passing the ferries in North America,
and the ferryman was subjected to a penalty of five
pounds, if he did not convey them over within half an
hour after demand.

What-

Whatever power over the colonies, the parliament might exercise in the act, the dissimilarity between this and the sugar act, passed in 1764, will not admit of the former's being quoted, with propriety, as a precedent for the latter. The colonists were in no wise uneasy at it, and considered not the American postage in the light of an internal tax, designed for the raising of a revenue from them; for it was but a few comparatively who were affected by it; and these were accommodated in the conveyance of their letters, received a full equivalent for the postage of them, and were not bound to send them by the public post, when they preferred a private conveyance.

In respect to the readiness of the colonies to co-operate with each other and the mother country, for the general good, they manifested the same as occasion required.

The *Massachusetts* general court wrote to the several ¹⁶⁹⁰ governors of the neighbouring colonies, desiring them to appoint commissioners "to meet, advise, and conclude upon suitable methods in assisting each other, for the safety of the whole land." The governor of *New York* was requested to signify the same to *Maryland*, and parts adjacent.

The commissioners met on the 1st of May, at *New York*, and were styled a *Congress*, as may be concluded ^{1. Congress.} from the following paragraph in Mr. *Stoughton's* letter of October 20, 1693, to Lord *Nottingham* *: "I crave leave further to acquaint your lordship, that the governor of *New York* having written unto his excellency the governor here, signifying his appointment of a meeting at

* Hutchinson's History, Vol. II, p. 74.

New York, upon the first Wednesday of this month, of commissioners from the several governments of *New England, Virginia, &c.* to concert and agree upon a certain *quota* of men and money, for the defence of *Albany, &c.* in observance of their majesties commands; it happened to be at such a time, and under such a conjuncture of affairs here, that no meet persons could be procured to attend *that Congress.*" It does not appear, that there was any congress between the two periods. It may also be observed, that the first was procured at the motion of the *Massachusetts* general court, formed, from the necessity of the day, upon the vacated charter, before a new one was granted; and that the motion originated in the court, from zeal for the common safety of the colonies, without any interposition of their majesties command. We meet with no congress prior to what was thus procured.

1709.
Oct.
14. At the desire of colonel *Vetch*, there was a congress of several governors, with some of their council and assembly, to consult upon the intended expedition against *Canada*, and to resolve on methods for securing the frontiers.

1711.
Oct.
31. The *Massachusetts* house of assembly, at the motion of lieutenant general *Nicholson*, advised, to a congress of her majesty's governors, attended with such persons as the governments might appoint. The council appointed two, and the house three, out of their respective bodies, to attend the governor to congress, which appears to have met afterward at *New London.*

But though the conduct of the *Massachusetts*, in their exertions for the general good, was highly commendable,

able, their behaviour afterward, in their own colonial affairs, under governor *Shute*, was greatly censured.

The house of assembly attempted to take from colonel *Shute*, those powers in matters relative to the war, which belonged to him by the constitution, and to vest them in a committee of the two houses. They by degrees acquired, from the governor and council, the keys of the treasury; and no monies could be issued, not so much as to pay an express, without the vote of the house for that purpose; whereas, by the charter, all monies were to be paid out of the treasury, "by warrant from the governor, with advice and consent of the council."

The ministry were greatly offended at the governor's being made uneasy; for colonel *Shute* was known at court and the offices of state, under the character of a very worthy gentleman, of a singular good temper, fitted to make any people under his command happy. When, therefore, they found the contrary in the *Massachusetts*, they concluded, that the people wished to have no governor from *Great Britain*, but wanted to be independent of the crown. The cry of the city of *London* ran exceedingly against them; and a scheme, that had been long planned for taking away the charter, had nearly been executed; but was fortunately frustrated by the indefatigable pains of Mr. *Dummer*, their then agent. Their own council at home were obliged to a confession of their illegal proceedings. An explanatory charter was prepared, proposed, and accepted. Had it not been accepted, the design was to have submitted to the consideration of the British legislature, "What further provision may be necessary to support and preserve his majesty's

1725.
Jan.
15.

jeſty's authority in the colony, and prevent ſimilar invaſions of his prerogative for the future *."

It had been uſual to give inſtructions to the ſeveral governors, to recommend to the aſſembly, the eſtabliſhing of a ſalary ſuitable to the dignity of their poſt; but the houſe had always declined complying, prudently apprehenſive, that diſagreeable conſequences might enſue, from the independency of the governor on the people over whom he was placed. Theſe inſtructions were renewed when governor *Burnet* was appointed to the chair, who adhering to them, and ſhowing a fixed determination not to part with governmental rights, warm diſputes followed between him and the houſe of representatives; whoſe treatment of him was ſo unwarrantable, that the
1729. council board, within a week after the affair, expreſſed their concern at the unbecoming and undutiſul treatment given to his excellency, in the meſſage of the houſe, on the fixth of December.

In divers inſtances, they ſhowed ſuch a diſpoſition to encroach upon the prerogative, to wrangle with their governors, and to diſpute with the crown, that the mi-niſtry, and other perſons in public offices, as is natural for thoſe who look for ſubmiſſive compliance, were much irritated; and improved to the utmoſt, all advantages to excite prejudices againſt them.

It was ſuggeſted, that they were aiming at independence; and jealousies were raiſed in the minds of ſome, that there was danger of the colonies ſetting up for

* Hutchinson's Hiſtory, Vol. II. p. 271, 290, 294, 321. and gov. Burnet's Speech to the Maſſachuſetts general court, in the Maſſachuſetts Records for 1728.

themselves. Nevertheless, it was certain that such a scheme appeared to the whole country, wild and extravagant; because of the universal loyalty of the people, beyond what was to be found in any other part of the British dominions, together with the infancy of the colonies, and their being distinct from one another in forms of government, religious rites, emulation of trade, and, consequently, their affections; so that it was not supposable, that they could unite in so dangerous an enterprise*.

However, when the *Massachusetts* petitioned the house of commons, praying that they might be heard by counsel on the subject of grievances, the house took that opportunity of discovering how jealous it was of the kingdom's supremacy, and uncontrollable authority over the colony: for the commons having considered the matter, resolved "That the petition was frivolous and groundless, a high insult upon his majesty's government, and tending to shake off the dependency of the said colony upon this kingdom, to which, in law and right, they ought to be subject."

The colonies might object to some acts passed respecting them, particularly—The act prohibiting the cutting down of pitch and tar trees, not being within a fence or enclosure—The act prohibiting the exportation of hats made in the colonies, even from one colony to another; and restraining all makers of hats from taking more than two apprentices at a time, or any for less than seven years, and entirely from employing negroes in the business—The act for the more easy recovery of debts

* Massachusetts Records for 1729 and 1731. Hutchinson's History, Vol. II. p. 355, 360—363.

in his majesty's plantations and colonies in America, which made houses, lands, negroes, and other real estates assets for the payment of debts. It was passed in 1732, upon the petition of the English merchants trading to the colonies, who complained, that in Virginia and Jamaica, a privilege was claimed to exempt their houses, lands, tenements, and negroes, from being extended for debt: the lords of trade at the same time represented, that the assemblies of those colonies could never be induced to divest themselves of these privileges by any act of their own. But whatever objections were made to the above acts, no general measure was adopted to obtain their repeal. They continued in being; but the hatters act was disregarded; and methods were devised for felling the prohibited trees, when the neighbourhood wanted a supply. The operation of the act designed for the benefit of creditors, was too often, as in other countries, weakened or evaded by the dishonest debtor. Men of principle gave themselves little concern about its existence, as they had nothing to fear from it, and knew that the same was intended to prevent persons being cheated out of their property.

The sugar colonists combined together, and obtained an act against the trade carried on from the British northern provinces to the Dutch and French colonies, for foreign rum, sugar, and molasses. The act passed in 1733, and laid a duty of nine-pence a gallon on rum, six-pence a gallon on molasses, and five pounds on every hundred weight of sugar, that came not from the British West-India islands, and were brought into the northern colonies. It was professedly designed as a prohibition from the foreign islands; but did not answer.

It

It was found expedient, and for the general benefit, to admit of the molasses, &c. being mostly run into the colonies, without insisting upon the duties, or making frequent seizures. The act unhappily produced an illegal spirit of trading; but was continued by subsequent ones down to 1761; when the duty on the molasses was reduced to three-pence, to prevent its being run any longer. The act did not appropriate the monies to be raised by the duties, so that when, in length of time, there was a sum in the hands of the receiver worth remitting, a demur ensued as to the application of it.

The monies produced by this and other acts, were not considered as real *taxes*, either by the colonies or the mother country. But some persons wished to have taxes imposed upon them, which would necessarily produce many good posts and places in *America* for courtiers; and during the war with *Spain*, which broke out in 1739, a scheme for taxing the *British* colonies was mentioned to Sir *Robert Walpole*. He smiled, and said, "I will leave that to some of my successors, who have more courage than I have, and are less friends to commerce than I am. It has been a maxim with me, during my administration, to encourage the trade of the *American* colonies in the utmost latitude; nay, it has been necessary to pass over some irregularities in their trade with *Europe*: for, by encouraging them to an extensive growing foreign commerce, if they gain 500,000*l.* I am convinced, that in two years afterward, full 250,000*l.* of their gains will be in his majesty's exchequer, by the labor and produce of this kingdom; as immense quantities of every kind of our manufactures go thither; and as they increase in their foreign American

rican trade, more of our produce will be wanted. This is taxing them more agreeably to their own constitution and ours."

Had the scheme for taxing the colonies been attempted, it would have occasioned a ferment, that must have prevented those exertions in the common cause, which were given into by the *New Englanders*, especially the *Bay-men*, so the inhabitants of the *Massachusetts Bay* are frequently called.

War being declared against *Spain*, a requisition of troops was made to the *Massachusetts*, and a larger number raised and embarked on his majesty's service than was required, of whom, scarce one in fifty returned.

*744. Upon receiving the declaration of war with *France*, the general court, then sitting, made immediate provision for raising forces for *Annapolis* in *Nova Scotia*: they happily arrived in season, and were the probable means of saving the country. Divers times afterward, *Nova Scotia*, when attacked by the French, was relieved by the *Bay-men*; so that during that unprosperous war, possession was always kept of it for the crown of Great Britain.

*745. But the most important service to be mentioned, is the reduction of *Louisburgh*. Governor *Shirley*'s heart was set upon effecting it. He prevailed upon the two houses to lay themselves under an oath of secrecy; and then communicated his plan of the expedition. A committee was appointed to consider it, and were several days in deliberating. After mature consideration, a majority disapproved of the proposal. The report was accepted, and the members of the court laid aside all thoughts of the expedition. By the governor's influence probably, as well as with his approbation, a petition from

from a number of merchants was presented to the house of representatives, praying a re-consideration of their vote, and their agreement to the governor's proposal. A second committee reported in favor of it. The report was debated in the house the whole day. It is remarkable, that Mr. *Oliver* * fell down, and broke his leg, while going to the house, with a full design of opposing the expedition. His presence would have made a majority, and overfet it; but this accident occasioned his absence; and upon the division in the house at night, the numbers were equal. The speaker, *Thomas Hutchinson*, esq; † was called upon to give the casting vote; which he did in favor of it, though he opposed it when in the committee. He was, probably, prevailed upon thus to vote, that he might secure the favor of the governor, and render himself the more popular.

The point being now settled, there is an immediate Jan. 25.
union of both parties; and all are equally zealous in carrying the design into execution. Messengers are dispatched as far as *Pennsylvania*, to entreat the junction of the several governments in the expedition. All excuse themselves, except *Connecticut*, *New Hampshire*, and *Rhode Island*. The first agrees to raise 500 men, the other two 300 each. *Connecticut* and *Rhode Island* consent also, that their colony sloops shall be employed as cruisers.

The time for preparing is short. But the winter proves so favorable, that all kinds of out-door business is carried on as well, and with as great dispatch, as at any other season. The appointment of a general officer is of the utmost consequence. He must be acceptable

* The present lieut. governor [1772.] † The present governor [1772.]

to the body of the people; the enlistment depends upon this circumstance. It is not easy to find a person, thus qualified, willing to accept. Colonel *Pepperrell** has the offer from the governor; but is rather pressed into the service, than engages voluntarily. His example, in quitting for the present his extensive mercantile business, has considerable influence; and induces inferior officers, and even private soldiers, to quit their smaller concerns, for the service of their country. Governor Wentworth, of New Hampshire, offers afterward to take the command of the expedition. Two or three gentlemen of prudence and judgment, are consulted upon the occasion, by governor Shirley, who finds them clearly of opinion, that any alteration of the present command would be attended with the greatest risk, of entirely disgusting both the Massachusetts assembly and soldiers†. By the efforts of a general exertion in all orders of men, the armament is ready, sails, and arrives at *Canso* the fourth of April. The *Bay-men* consist of 3,250 troops, exclusive of commission officers. The *New Hampshire* forces, 304, including officers, arrived four days before. The *Connecticut*, being 516 inclusive, arrive on the twenty-fifth. The 300 *Rhode Islanders* do not arrive till the place has surrendered.

Apr.

4.

Toward the end of the month, commodore *Warren* arrives from the West Indies, with a sixty gun ship, and two of forty; and joins another of forty, which had reached *Canso* the day before, in consequence of his orders, received while under sail from *Portsmouth* in *New Hampshire* on her way to Britain. The men of war sail immediately to cruise before *Louisburg*. The forces

* Grandfather of the present Sir William Pepperrell [1787.]

† Governor Shirley's Letter of February 16, 1744.

soon follow, and land at *Chapeaurouge* bay the last day of April. The transports are discovered from the town early in the morning, which gives the inhabitants the first knowledge of the design.

The second day after landing, 400 men march round, behind the hills, to the north-east harbour, where they get about midnight, and fire all the houses and store-houses, until they come within a mile of the grand battery. The clouds of thick smoke, proceeding from the pitch, tar, and other combustibles, prevent the garrison's discovering the enemy, though but a few rods distant. They expect the body of the army upon them, and desert the fort, having thrown their powder into a well; but the cannon and shot are left, and prove of service to the Americans. A party, less than twenty, come up to the battery the next morning early; and seeing no signs of men, suspect a plot, and are afraid to enter. At length, an *Indian*, for a pint of rum, ventures in alone through an embraiture, and discovers the state of it to the rest, just as a number of French are relanding to recover possession. The army has near two miles to transport their cannon, mortars, &c. through a morass. This must be done by mere dint of labor. The hardiest and strongest bodies are employed, and the service performed, agreeable to the advice of major Ezekiel Gilman of Exeter, who having been used to draw the masts over the swamps, proposed making sleds to put the cannon, &c. upon, and then yoking the men together for draught. The men know nothing of regular approaches. They make merry with the terms, *zigzags* and *epaulements*; and taking advantage of the night, go on, void of art, in their own natural way.

While the forces are busy ashore, the men of war, and other vessels, are cruising off the harbour, when the weather permits; and on the eighteenth of May, capture a French sixty-four gun ship, having 560 men on board, and stores of all sorts for the garrison. This prize, with the arrival of other British ships, makes the commodore's fleet eleven by the twelfth of June, consisting of a 64, four of 60 guns, one of 50, and five of 40. It is given out, that an attack will be made by sea with the ships, on the eighteenth, while the army do the like by land. Whether a general storm is really intended or not, the French seem to expect it, from the preparations on board the men of war, and do not incline to stand it. On the fifteenth, a flag of truce is sent to the general, desiring a cessation of hostilities, that they may consider of articles for a capitulation. Time is allowed; but their articles are rejected by the general and commodore, and others offered, which are accepted by the French, and hostages exchanged. The city is delivered up on the seventeenth. But as it is a time to expect vessels from all parts to *Louisburgh*, the French flag is kept flying as a decoy. Two East India, and one South Sea ship, of the value of 600,000*l.* sterling, are taken by the squadron, at the mouth of the harbour, into which they undoubtedly meant to enter.

June
17.

The weather proved remarkably fine during the siege: the day after the surrender, the rains began and continued ten days incessantly, which would undoubtedly have proved fatal to the expedition, had not the capitulation prevented. It is not of material consequence for us to determine, whether the land or sea force had the greatest share in the reduction of *Louisburgh*. Neither would

would have succeeded alone. But there was, certainly, the strongest evidence of a generous, noble, public spirit, in the *New Englanders*, which first inclined them to the undertaking, and of a firmness of mind in the prosecution of it; for the labor, fatigue, and other hardships of the siege, were without parallel in all preceding American operations*. The paying of the charges of this expedition in 1748, lessens not the merit of the *New England* attempt; for they began it when they had no promise, and very little prospect of being reimbursed. Had it not succeeded, they would not have been reimbursed, and must therefore have been involved in the greatest distress. This they foresaw, and yet cheerfully ran the risk for the public service. It would have cost the crown double the sum paid the New England governments, to have sent an armament from Great Britain for the reduction of the same place. The colonies met with a heavy loss, not easily repaired, in the destruction of the flower of their youth, by camp fevers, other sicknesses, the hardships and distresses of the siege. Of how much importance Louisburgh was in the opinion of the French, appeared from their demanding two hostages of the first nobility in Britain, as pledges for its restitution.

Should you hereafter read, “ The leading men in the government of the *Massachusetts*, having been guilty of certain mal-practices, for which they were in danger of

* Hutchinson's History, Vol. II. p. 407—420. The above account varies from Hutchinson's, being corrected in some instances, from a manuscript copy of the History of the Reduction of Louisburgh, sent by Mr. Shirley to the duke of Newcastle; and improved in others from information given me.

being called to an account, projected the expedition against *Cape Breton*, in order to divert the storm: and proving successful, the English nation was so overjoyed, that they forgot every other idea in the general transport, so that the planners and conductors of the expedition, instead of being called to account for former misdemeanors, found themselves caressed and applauded"—believe it not—especially should the writer give "this public notice, I build nothing upon the present narration; and I only offer it (because not corroborated by sufficient evidence) as a probable case, and as my own opinion *." Should he be a D. D. you may think it would have been well for him to have recollected the complaint of *Jeremiah*, "I heard the defaming of many; report, say they, and we will report:" and so to have been silent on the head of *Cape Breton*. Should you judge it uncharitable to retort upon him; yet you may deem it just to remind him of his own, do you find him using such like expressions as these, "As I never believed Dr. *Franklin* in any public matter, excepting in his electrical experiments, I was resolved to see with my own eyes, whether what he advanced was true or not, having a strong suspicion that he fibbed designedly, like Sir *Henry Wotton's* ambassador, *patriæ causa* †."

But to return, the year after the reduction of *Louisburgh*, 1746. Great Britain entertained the design of reducing *Canada*; and requisitions were made to the colonies, from New Hampshire to Virginia inclusive. It was expected, that they should raise at least 5000 men;

* See the Postscript of Dean Tucker's humble address.

† The Dean's letter to Edmund Burke, Esq; p. 27.

they voted 8200; and the *Massachusetts's*, to the amount of 3500, were ready to embark by the middle of July, about six weeks from the first notice *. Though the expedition was not prosecuted; this did not lessen the merit of the colonies, in preparing to second the views of the British government.

No sooner were the distresses of war closed, by the 1748. renewal of peace; than the colonists, particularly of *New England*, were alarmed with the report of an *American episcopacy*; which it was the most earnest desire of Dr. *Thomas Secker*, late archbishop of *Canterbury*, to establish. The Doctor, when bishop of *Oxford*, in his sermon before the Society for propagating the gospel, &c. "began those invectives against the colonists and their religious character, which have been unwarily continued, and were founded entirely upon misinformations, and misrepresentations of interested persons, the missionaries especially, who found their account in abusing better christians than themselves †." This conduct had not the least tendency to reconcile them to the project, but the direct contrary; and argued a secret bitterness of spirit, which promised no great moderation, if the scheme of episcopising succeeded. The talk of introducing bishops into America, was very warm among the episcopalians in Connecticut; and it is not an uncharitable conjecture, that it originated from, or was promoted by the zeal of bishop Secker. During the height of the conversation, a worthy divine, now at Rhode Island, had the hopes of a bishopric held out to him, to in-

* Hutchinson's History, Vol. II. p. 424.

† See a collection of letters and essays in favor of public liberty, in three vols. printed for Wilkie, Vol. III. p. 34, 42.

duce him to turn episcopalian, though without effect. The colonists had reason to dread the introduction of episcopacy, for it could not be thought, it should come unaccompanied with such a degree of civil power, as would at length trample upon the rights of other denominations. An extensive and united hierarchy, however named, when armed with civil authority and in alliance with state power, is a dangerous engine, if under the direction of a crafty politician. The failure of the episcopising project, at this period, might be owing in a great measure, to the part the *dissenting deputation* acted upon the occasion: for which the representatives of the Massachusetts-bay returned them their thanks, in a message signed by the speaker *. But though the colonies were relieved from this cause of uneasiness, they

1750. were laid under another, by the parliament's passing an act, enacting, "That from and after the twenty-fourth of June, 1750, no *mill*, or *other engine*, for *sitting* or *rolling* of *iron*, or any *plating forge*, to work with a *tilt hammer*, or any *furnace* for *making steel*, shall be erected; or, after such erection, continued *in any of his majesty's colonies in America*."

The four New England colonies however, had no just reason to complain, when the power of parliament

1751. passed an act "to regulate and restrain paper bills of credit in said governments, and to prevent the same being legal tenders in payment of money;" as they had made the act absolutely necessary, that so British creditors might be secured from being defrauded by a legal tender of a depreciated and depreciating paper currency.

* See a short account of the proceedings of the deputation, p. 9.

The year after the peace, a grant of 600,000 acres of the finest American land, in the neighbourhood of the *Ohio*, was made out to certain noblemen merchants and others, of *Westminster London* and *Virginia*, who associated under the title of the *Ohio Company*. The governor of Canada obtained early intelligence of it; and was alarmed with the apprehension, that a scheme was in agitation, which would for ever deprive the French of the advantage arising from the trade with the *Twigh-twees*, and cut off the communication so beneficial to the colonies of *Louisiana* and *Canada*. He wrote therefore to the governors of *New York* and *Pennsylvania*, acquainting them, that the English traders had encroached on the French territories, by trading with their *Indians*; and that if they did not desist, he should be obliged to seize them wherever they were found. This was the first time that either French or British had pretended to any exclusive trade with any *Indians*, or even the declared friends and allies of either; for it was expressly stipulated by the treaty of *Utrecht*, that, on both sides, the two nations should enjoy full liberty of going and coming among the *Indians*, of either side, on account of trade; and that the natives of the Indian countries should, with the same liberty, resort as they pleased, to the *British* or *French* colonies, for the purpose of trade, without any molestation from either the British or French subjects.

The *British Indian* trade had been carried on mostly with *Pennsylvania*, by the river *Susquebanna*: a great part of it was now to be diverted into another channel by the *Ohio company*; who by opening a waggon-road through the country, and building a truck-house at *Will's-creek*,

were providing for its being carried into *Virginia* by the *Patomak*. The Pennsylvania traders, jealous of the Ohio company, were upon the watch to injure them, which soon offered, when Mr. *Gift* was employed by the company, in surveying the lands upon the *Ohio*, in order to their procuring 600,000 acres of the best and most convenient for the Indian trade. He carefully concealed his design from the Indians, who were no less suspicious and inquisitive; and being jealous that he meant to settle their lands, made use of threats. They were not pacified, till there was delivered to them a pretended message from the king of *Great Britain*. The Pennsylvania traders, actuated by revenge, informed both French and Indians, what was the service on which he was employed; and while he was on his progress, in the spring
 1751. of 1751, some French parties with their Indians, put the governor of Canada's menace into execution, and
 1753. seized the British traders, who were trading among the *Twightwees*, and carried them to a fort they were building on the south-side of lake *Erie*. The British alarmed at the capture of their brethren, retired to the Indian towns for shelter, and the *Twightwees*, resenting the violence done to their allies, assembled to the number of five or six hundred, and scoured the woods till they found three French traders, whom they sent to Pennsylvania. The French however, determined to persist; and proceeded to build a second fort, about fifteen miles south of the former, upon one of the branches of the *Ohio*. They also erected a fort at the conflux of the *Ohio* and *Wabache*; and thus completed their designed communication between the mouth of the *Mississippi* and the river *St. Lawrence*. Nothing was done

by the Pennsylvania government, so that the French continued to strengthen themselves without interruption; and encouraged by the little notice taken of their violence, began to seize and plunder every British trader they found on any part of the *Ohio*.

Repeated complaints were made to lieutenant governor *Dinwiddie* of Virginia; and as the Ohio company, whose existence depended upon stopping the French encroachments and pretensions on that river, had great influence there, that colony was prevailed upon to act with some vigor.

The lieutenant governor having informed the house of burgesses, on the first of November, that the French had erected a fort on the Ohio, it was resolved to send somebody to Mr. *St. Pierre*, the French commandant, to demand the reason of his hostile proceedings, and to require him at the same time, to withdraw his forces. Major *Washington*, who was of age only on the eleventh of the preceding February, offered his service on this important occasion. The distance he had to go, was more than four hundred miles; two hundred of which lay through a trackless desert inhabited by Indians; and the season was uncommonly severe. Notwithstanding these discouraging circumstances, the major attended by one companion only, set out upon this hazardous enterprise. He travelled from Winchester on foot, carrying his provisions on his back. Upon his arrival at the place of destination and delivering his message, the French commandant refused to comply, denied the charge of hostilities, and said that the country belonged to the king of France; that no Englishman had a right to trade upon any of its rivers; and that

that, therefore, he would seize according to orders, and send prisoners to Canada, every Englishman that should attempt to trade upon the Ohio or any of its branches. Before major *Washington* had got back, or the Virginians had heard of the French commandant's answer, they sent out proper people, provided with materials for erecting a fort at the conflux of the *Ohio* and *Monongahela*, whom he met on his return. After excessive hardships and many providential escapes, during his long and tedious undertaking, he arrived safe at *Williamsburgh* and gave an account of his negotiation to the house of burgesses, the fourteenth of February following.

Ere the Virginians had finished their fort, the French came upon them, drove them out of the country, and erected a regular fort on the very spot where they had been at work. The consent of the Indian warriors had not been gained by the Virginians, or they would have supported the British against the French attack.

These proceedings of the French galled the British ministry. The Ohio company, whose schemes were now demolished, was their fondling. They could not submit to have their friends so treated; and therefore no sooner had they the news, than it was resolved to instruct the colonies to oppose the French encroachments by force of arms. The instructions were received at
1754. Virginia early in the spring of 1754. The Virginians applied to the other colonies for additional troops. Captain James Mackay with his independent company, upon the first order, marched with the utmost expedition from South Carolina to their assistance. Without waiting for two independent companies from New York, who were likewise ordered to assist them, the Virginians resolved

resolved by themselves with Mackay's company, to oppose the French encroachments; and sent off that and three hundred men raised by the colony, under the command of late major, but now colonel Washington. An engagement ensued between a party of French from fort *Duquesne*, whom colonel Washington attacked and defeated, on the twenty-eighth of May; which put Mr. *de Villier* upon marching down against him with 900 men besides Indians, and attacking him on the third of July. Washington made so brave a defence behind a small incomplete entrenchment, called fort *Necessity*, that Villier seeing what desperate men he had to deal with, and desirous of saving his own, offered him an honorable capitulation; but the French officer was careful, in forming the articles, to throw the blame of the war upon the British, and to make it thought that they were the aggressors.

The lords commissioners for trade and plantations, had also recommended to the several colonies, to appoint commissioners to meet each other. Their lordships designed, that there should be a general league of friendship, between all the colonies and the Indians, in his majesty's name. The *Massachusetts* general court not only acceded to the proposal, but both houses desired his excellency, governor *Shirley*, "to pray his majesty, April that affairs which relate to the six nations and their al-¹⁰ lies, may be put under some general direction as his majesty shall think proper; that the several governments may be obliged to bear their proportions of defending his majesty's territories against the encroachments of the French, and the ravages and incursions of the Indians."

July. A general meeting of the governors and chief men from several of the colonies, was held at *Albany*. At this congress, the commissioners were unanimously of opinion, that an *union of all the colonies* was absolutely necessary for their common defence. The plan was, in short, "That a grand council should be formed of members to be chosen by the assemblies, and sent from all the colonies; which council together with a governor general to be appointed by the crown, should be empowered to make general laws, to raise money in all the colonies, for the defence of the whole." It was drawn up by Mr. *Hutchinson*; was accepted, and sent home. Had it been approved and established, *British America* thought itself sufficiently able to cope with the *French* without further assistance; several of the colonies, in former years, having alone withstood the whole power of the enemy, unassisted not only by the mother country, but by any of the neighbouring provinces. A *stamp act* was talked of among the commissioners, of which number was Mr. (now Dr.) *Franklin*, one of the three from *Pennsylvania*; and it was thought a proper mode of taxing; under the apprehension, that in its operation it would affect the several governments fairly and equally. The idea of a stamp act had been held out, so early as 1739, in two publications drawn up by a club of American merchants, at the head of whom were Sir *William Keith*, governor of *Pennsylvania*, Mr. *Joshua Gee* and many others. They proposed, for the protection of the British traders among the Indians, the raising a body of regulars, to be stationed all along the western frontier of the British settlements; and that the expence should be paid from the monies arising from a duty on stamp paper

paper and parchment in all the colonies, to be laid on them by act of parliament. The congress plan was not agreeable to the views of ministry; and another was proposed—"That the governors of all the colonies, attended by one or two members of their respective councils, should assemble, concert measures for the defence of the whole, erect forts where they judged proper, and raise what troops they thought necessary, with power to draw upon the British treasury for the sums that should be wanted; and the treasury to be re-imburshed by a tax laid on the colonies by act of parliament." When you are reminded, that the governors and councils were chiefly of the king's appointing, you will be apt to view the scheme, as a most subtle and dangerous contrivance, to provide for favorites, to sap the liberties of the Americans, and eventually to chain them down to the most abject slavery. Had the congress plan met with the countenance of ministry, it might have been adopted after a while; though of that, it appeared, there could be no certainty; for when the governor laid it before the *Massachusetts* assembly in October, the assembly determined, not to give it the least countenance. The ministerial plan was transmitted to governor *Sbirley*, who was known to be for the British parliament's laying the tax. It was communicated by him to Mr. Franklin, then at his native place Boston, who soon returned it with a few short remarks, and the next day sent the governor the following letter, *viz.*

"SIR, *Wednesday morning, Dec. 1754.*

I mentioned it yesterday to your excellency, as my opinion, that excluding the people of the colonies from
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all share in the choice of the grand council, would probably give extreme dissatisfaction, as well as the taxing them by an act of parliament, where they have no representative. In matters of general concern to the people, and especially where burdens are to be laid upon them, it is of use to consider, as well what they will be apt to think and say, as what they ought to think; I shall therefore, as your excellency requires it of me, briefly mention what of either kind occurs to me on this occasion.

First, they will say, and perhaps with justice, that the body of the people in the colonies are as loyal, and as firmly attached to the present constitution and reigning family, as any subjects in the king's dominions:

That there is no reason to doubt the readiness and willingness of the representatives they may choose, to grant from time to time such supplies for the defence of the country, as shall be judged necessary, so far as their abilities will allow:

That the people in the colonies, who are to feel the immediate mischiefs of invasion and conquest by an enemy, in the loss of their estates, lives and liberties, are likely to be better judges of the quantity of forces necessary to be raised and maintained, forts to be built and supported, and of their own abilities to bear the expence, than the parliament of England at so great a distance:

That governors often come to the colonies merely to make fortunes, with which they intend to return to Britain; are not always men of the best abilities or integrity; have many of them no estates here, nor any natural connections with us, that should make them heartily

tily concerned for our welfare; and might possibly be fond of raising and keeping up more forces than necessary, from the profits accruing to themselves, and to make provision for their friends and dependants:

That the counsellors in most of the colonies being appointed by the crown, on the recommendation of governors, are often of small estates, frequently dependent on the governors for offices, and therefore too much under influence:

That there is, therefore, great reason to be jealous of a power in such governors and councils, to raise such sums as they shall judge necessary, by draft on the lords of the treasury, to be afterward laid on the colonies by act of parliament, and paid by the people here; since they might abuse it, by projecting useless expeditions, harassing the people, and taking them from their labors to execute such projects, merely to create offices and employments, and gratify their dependants, and divide profits:

That the parliament of England is at a great distance, subject to be misinformed and misled by such governors and councils, whose united interests might probably secure them against the effect of any complaint from hence:

That it is supposed to be an undoubted right of *Englishmen*, not to be taxed but by their own consent given through their representatives:

That the colonies have no representatives in parliament:

That to propose taxing them by parliament, and refuse them the liberty of choosing a representative council, to meet in the colonies, and consider and judge of
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the necessity of any general tax, and the quantum, shows a suspicion of their loyalty to the crown, or of their regard for their country, or of their common sense and understanding, which they have not deserved:

That compelling the colonies to pay money without their consent, would be rather like raising contributions in an enemy's country, than taxing *Englishmen* for their own public benefit:

That it would be treating them as a conquered people, and not as true British subjects:

That a tax laid by the representatives of the colonies might easily be lessened, as the occasions should lessen; but being once laid by parliament, under the influence of the representations made by governors, would probably be kept up, and continued for the benefit of governors, to the grievous burden and discouragement of the colonies, and prevention of their growth and increase:

That a power in governors to march the inhabitants from one end of the British and French colonies to the other, being a country of at least 1,500 square miles, without the approbation or consent of their representatives first obtained, might occasion expeditions grievous and ruinous to the people, and would put them upon a footing with the subjects of France in Canada, that now groan under such oppression from their governor, who for two years passed, has harassed them with long and destructive marches to the Ohio:

That, if the colonies in a body may be well governed by governors and councils appointed by the crown without representatives, particular colonies may as well, or better, be so governed: a tax may be laid on them all
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by act of parliament for support of government, and their assemblies be dismissed as an useless part of the constitution:

That the powers proposed by the *Albany* plan of union, to be vested in a grand representative council of the people, even with regard to military matters, are not so great as those the colonies of *Rhode Island* and *Connecticut* are entrusted with by their charter, and have never abused: for by this plan, the president general is appointed by the crown, and controls all by his negative; but in these governments, the people choose the governor, and yet allow him no negative:

That the British colonies bordering on the French, are properly frontiers of the British empire; and the frontiers of an empire are properly defended at the joint expence of the body of the people in such empire. It would now be thought hard, by act of parliament, to oblige the cinque ports, or sea coasts of Britain, to maintain the whole navy, because they are more immediately defended by it; not allowing them at the same time, a vote in choosing the members of parliament: and if the frontiers in America must bear the expence of their own defence, it seems hard to allow them no share in voting the money, judging of the necessity and sum, or advising the measures:

That besides the taxes necessary for the defence of the frontiers, the colonies pay yearly great sums to the mother country unnoticed; for taxes paid in Britain, by the landholder or artificer, must enter into and increase the price of the produce of land, and of manufactures made of it; and great part of this is paid by consumers

in the colonies, who thereby pay a considerable part of the British taxes.

We are restrained in our trade with foreign nations; and where we could be supplied with any manufacture cheaper from them, but must buy the same dearer from Britain, the difference of price is a clear tax to Britain. We are obliged to carry great part of our produce directly to Britain, and wherein the duties there laid upon it lessen its price to the planter, or it sells for less than it would in foreign markets, the difference is a tax paid to Britain.

Some manufactures we could make, but are forbidden and must take of *British* merchants; the whole price of these is a tax paid to Britain.

By our greatly increasing the demand and consumption of British manufactures, their price is considerably raised of late years: their advance is clear profit to Britain, and enables its people better to pay great taxes; and much of it being paid by us, is a clear tax to Britain.

In short, as we are not suffered to regulate our trade, and restrain the importation and consumption of British superfluities, (as Britain can the consumption of foreign superfluities) our whole wealth centres finally among the merchants and inhabitants of Britain; and if we make them richer, and enable them better to pay their taxes, it is nearly the same as being taxed ourselves, and equally beneficial to the crown. These kind of secondary taxes however, we do not complain of, though we have no share in the laying or disposing of them: but to pay immediate heavy taxes, in the laying, appropriation,

propriation, and disposition of which we have no part, and which, perhaps, we may know to be as unnecessary as grievous, must seem hard measure to *Englishmen*; who cannot conceive, that by hazarding their lives and fortunes, in subduing and settling new countries, extending the dominion, and increasing the commerce of their mother nation, they have forfeited the native rights of *Britons*, which they think ought rather to be given them as due to such merit, if they had been before in a state of slavery. These, and such kind of things as these, I apprehend, will be thought and said by the people, if the proposed alteration of the Albany plan should take place. Then the administration of the board of governors and councils so appointed, not having any representative body of the people to approve and unite in its measures, and conciliate the minds of the people to them, will probably become suspected and odious: dangerous animosities and feuds will arise between the governors and governed, and every thing go into confusion.

Perhaps I am too apprehensive in this matter; but having freely given my opinion and reasons, your excellency can judge better than I whether there be any weight in them; and the shortness of the time allowed me, will, I hope, in some degree, excuse the imperfections of this scrawl.

With the greatest respect and fidelity, I have the honor to be, your excellency's most obedient and most humble servant,

BENJAMIN FRANKLIN."

These letters might be transmitted to, and might dispose the ministry to decline urging their plan of uniting and governing the colonies; but Mr. Shirley wrote to governor *Wentworth* of *New Hampshire*, May 31, 1755—"I may assure your excellency, from every letter I have of late received from Sir Thomas Robinson, I have reason to think that his majesty hath a dependance upon a *common fund's* being raised in all his colonies upon this continent, in proportion to their respective abilities, for defraying all articles of expence entered into for their common defence; and that such an one must, in the end, be either voluntarily raised, or else assessed in some way or other." The ministry discovered a disposition to raise a revenue in them, which
 Nov. 6. induced the *Massachusetts* general court thus to instruct their agent; "It is more especially expected, that you oppose every thing that shall have the remotest tendency to raise a *revenue* in the plantations, for any public uses or services of government:" he wrote to them the twenty-ninth of May following, "The inclinations I have reason to think still continue for *raising a revenue* out of the molasses trade." The alarming state of public affairs might divert the ministry from pursuing their inclinations.

It had been concluded to take effectual measures for driving the *French* from the *Ohio*; and for the reduction of *Niagara*, *Crown Point*, and their forts in *Nova Scotia*. General *Braddock* was accordingly sent from Ireland to Virginia, with two regiments of foot; and when arrived, and joined by the rest of the forces destined for that service, found himself at the head of about 2,200 men.

men. He had bravery, but wanted other qualifications to render him fit for the service to which he was appointed. His severity prevented his having the love of the regulars: his haughtiness, the love of the Americans; and what was worse, disgusted the Indians, and led him to despise the country militia, and to slight the advice of the Virginia officers. Colonel *Washington* earnestly begged of him, when the army was marching for fort *du Quesne*, to admit of his going before, and scouring the woods with his rangers, which was contemptuously refused. The general had been cautioned by the duke of *Cumberland*, to guard against a surprise; and yet he pushed on heedlessly with the first division, consisting of 1400 men, till he fell into an ambuscade of ^{1755.} 400, chiefly Indians, by whom he was defeated and ^{July} mortally wounded, on the ninth of July. The regulars were put into the greatest panic, and fled in the utmost confusion: the militia had been used to Indian fighting, and were not so terrified. The general had disdainfully turned them into the rear: they continued in a body, unbroken, and served under colonel *Washington* as a most useful rear-guard; covered the retreat of the regulars, and prevented their being entirely cut off.

Previous to this, and agreeable to the views of the British ministry, the *Massachusetts* assembly, who had never been remiss upon the prospect of a French war, raised a body of troops, which were sent to *Nova Scotia*, to assist lieutenant governor *Lawrence* in driving the French from their several encroachments within that province. The secrecy and dispatch used in this service was rewarded with success.

The expedition against Niagara was entrusted with governor Shirley; but failed through various causes.

Sir *William* (then colonel) *Johnson* was appointed to go against Crown Point. The delays, slowness, and deficiency of preparations, prevented the several colonies joining their troops till about August. Meanwhile the active enemy had transported forces from *France* to *Canada*, marched them down to meet the provincials, and attacked them; but, meeting with a repulse, lost six hundred men, besides having their general baron *Dieskau*, wounded and made prisoner.

The *Massachusetts* the next year, raised a great armament to go against *Crown Point*; but Lord *Loudon* on his arrival, did not think it proper that the forces should proceed. Afterward a temporary misunderstanding took place between his lordship and the general court; from his apprehending, that they thought a provincial law necessary to enforce a British act of parliament, and were willing to dispute upon that subject. He determined to have no dispute, but that the troops under his command should be quartered agreeable to what he thought the public good required; and wrote to governor *Pownall*,

1757. "I have ordered the messenger to wait but 48 hours in
Nov.

15. *Boston*; and if, on his return, I find things not settled, I will instantly order into *Boston* the three battalions from New York, Long Island, and Connecticut; and if more are wanted, I have two in the Jerseys at hand, beside three in Pennsylvania." Notwithstanding this declaration, on December the sixth, the legislature passed an act, which led him to conceive, that he was under an absolute necessity of settling the point at once, and therefore he ordered the troops to march. The general court

court finding how matters were going, did not venture upon extremities, but became pliable; so that his lordship wrote, December 26, "As I can now depend upon the assembly's making the point of quarters easy in all time coming, I have countermanded the march of the troops." The general court were certainly terrified; and to remove all unfavorable impressions, said in the close of their address to the governor, "The authority^{1758.} of all acts of parliament, which concern the colonies,^{Jan.} 6. and extend to them, is ever acknowledged in all the courts of law, and made the rule of all judicial proceedings in the province. There is not a member of the general court, and we know no inhabitant within the bounds of the government, that ever questioned this authority. To prevent any ill consequences that may arise from an opinion of our holding such principles, we now utterly disavow them, as we should readily have done at any time past, if there had been occasion for it, and we pray that his lordship may be acquainted therewith, that we may appear in a true light, and that no impressions may remain to our disadvantage." However they might not question, whether the authority of acts of parliament, concerning and extending to the colonies, was made the rule of all *judicial* proceedings in the province; yet you are not to infer from their disavowal of the contrary principle, that they admitted the right of parliament, either to impose internal taxes, or to control their colonial government.

When, happily for the British nation, the great Mr. Pitt was placed at the head of the ministry, the face of affairs was soon changed; the war was prosecuted with unexampled success, and the enemy at length driven out

of *America*. But the frequent delays given to the raising of the necessary supplies, especially in the proprietary governments, through the refusal of their governors or councils, to admit that the estates of the proprietors should be taxed, led Mr. *Pitt* to tell Mr. *Franklin*, that when the war closed, was he in the ministry, he should take measures to prevent its being in the power of the colonies, to hinder government's receiving the supplies that were wanted; and he added, that, was he not in the ministry, he would advise his successors to do it. What these measures were, he did not mention. But
1760. toward the close of 1759, or the beginning of 1760, Mr. *Pitt* wrote to *Francis Fauquier* esq; lieutenant governor of *Virginia*, and mentioned in his letter, that though they had made grants to the colonies, yet, when the war was over, they should tax them in order to raise a revenue from them. Mr. *Fauquier*, in his answer, expressed his apprehension, that the measure would occasion great disturbance. The answer might divert Mr. *Pitt* from his intention. Many months before, the present Lord *Camden* then Mr. *Pratt*, said to Mr. *Franklin*, in a course of free conversation, "For all what you *Americans* say of your loyalty, I know you will one day throw off your dependence upon this country; and, notwithstanding your boasted affection to it, will set up for independence." The other answered, "No such idea is entertained in the mind of the *Americans*; and no such idea will ever enter their heads, unless you grossly abuse them." "Very true, (replied Mr. *Pratt*) that is one of the main causes I see will happen, and will produce the event."

The colonies in general, and the Massachusetts in particular, complied with the requisitions of the minister, and showed themselves ready to support his plans for the reduction of the French power. To assist and encourage their extraordinary exertions, the parliament granted them during the war, at different periods, no less than £.1,031,666. 13s. 4d. But though the large importation of specie annually, did not answer one half of their expences, it was still of such benefit to each government, that they cheerfully seconded the views of ministry. Upon application from admiral *Saunders*, the squadron employed against *Louisburgh* and *Quebec*, was supplied by 500 seamen from the *Massachusetts*; beside, many were at several times impressed out of vessels on the fishing banks. The colonies lost by the war, 25,000 of their robust young men, exclusive of sailors. The *Massachusetts* continually raised the full number of troops assigned them: nor was it to be ascribed to the peculiar address of Mr. *Pownall*, who guided them with a silken cord, and by praising them plentifully, and flattering their vanity, did business with them in an easy manner; for it was the same, after he was succeeded by governor *Bernard*. Beside their annual quota of men, in some years of the war they garrisoned *Louisburgh* and *Nova Scotia*, which gave the regular forces opportunity for retaining Canada. The whole cost they were at upon these accounts, and for scouting companies sent into the Indian country, and for two armed vessels built and maintained for the protection of the trade, amounted to £.754,598. 10s. 10d $\frac{1}{2}$ sterling. In this sum, the expence of many forts and garrisons on the frontiers is not included. Add, that no estimate can be
made

made of the cost to individuals, by the demand of personal service. They that could not serve in person, who were much the greater number, when it came to their turn, were obliged to hire substitutes at a high premium. They also who could not be impressed, to lighten the burdens of others, advanced largely for encouraging the levies. Moreover, the taxes were exceeding heavy. A Boston gentleman, of reputation and fortune, sent one of his rate bills to a correspondent in London, for his judgment on it; and had for answer, "That he did not believe there was a man in all *England*, who paid so much in proportion toward the support of government." Such was the assessment of the town in one of the years, that if a man's income was £.60 per annum, he had to pay two thirds or £.40, and in that proportion whether the sum was more or less; and if his house or land was valued at £.200 per annum, he was obliged to pay £.72. He had also to pay for his poll, and those of all the males in his house, more than 16 years old, at the rate of 14s. 3d. each; and to all must be added, the part he paid of the excise on tea, coffee, rum, and wine*. Other towns and colonies might not have been assessed so exorbitantly, but some must certainly have been burdened with taxes.

The above statement of expences is thought to be more correct than what gov. Bernard transmitted, in his letter of August 1, 1764, to the lords of trade, in which he wrote, "From 1754 to 1762, the sums issued amount to £.926,000 sterling; out of which deduct, received by parliamentary grant, £.328,000; and the ordinary

* Dr. Chauncy's thanksgiving sermon for the repeal of the stamp-act in a note.

expences of government estimated at £. 108,000, there remains £. 490,000, that is near £. 500,000 sterling expended by this province in the extraordinary charges of the war within eight years. An immense sum for such a small state! the burden of which has been grievously felt by all orders of men. Whereas if we compare this with the southern governments, Pennsylvania for instance, which has expended little more than they have received from parliament, and Maryland which has expended scarce any thing at all, we cannot sufficiently admire the inequality of the burden between one province and another. And when Pennsylvania has not been prevented by domestic dissensions, and have as it were done their best, they have sent to the field only 2,700 men, when this province has sent 5,000—5,500, and one year 7,000. And notwithstanding the vast sums this province has raised, it has, by severe taxations, kept its debt under."

The first part of governor *Bernard's* administration was agreeable to the *Massachusetts* general court. The two houses, in answer to his speech, said, " It gives ^{1761.} May us pleasure to see, that the civil rights of the people are not in danger; nor are we in the least degree suspicious, that they ever will be under your excellency's administration. The experience we have had of your excellency's disposition and abilities, encourage us to hope for a great share of public happiness under your administration." The next year, the governor told them, at the close of the session, " The unanimity and dispatch ^{1762.} April with which you have complied with the requisitions of his majesty, require my particular acknowledgment." ^{23.} In his speech to the new court, he said, " Every thing ^{May} that ^{27.}

that has been required of this province, has been most readily complied with."

1763.
May
31.

Both houses, in their address to him, expressed themselves thus: "We congratulate your excellency upon that unanimity, which your excellency recommends, and which was never greater in the province than at this time." The governor at the close of the session, declared his great satisfaction in having observed, that the unanimity they assured him of, had fully evidenced itself throughout all their proceedings. But the lieutenant governor Mr. *Hutchinson*, gained after a while too much ascendancy over him, and encouraged him in the pursuit of wrong measures, highly offensive to the colony. He had indeed done him an irreparable injury, not long after his coming to the chair. Colonel *James Otis* (who was repeatedly returned for *Barnstable* in *Plymouth* county, notwithstanding the strenuous efforts which had been made to prevent it, on account of his siding with government) being a lawyer, had been promised by Mr. Shirley, when in the chair, to be made a judge of the superior court, upon an opportunity's offering. The first vacancy which happened, was filled up by the appointment of the secretary's son in law; for which Mr. Shirley apologized, by pleading a promise made to the secretary, and his having forgotten the former one. Mr. Otis was satisfied with a fresh assurance of the next vacancy, which was considered by him in the light of a governmental promise; and it was expected that whenever a new vacancy happened, Mr. Otis would be appointed. There was no new vacancy till a short time after governor Bernard entered upon his administration, when chief justice *Sewall* died. Upon
this

this death, Mr. *James Otis* the son, of whom there will be a call to make frequent mention, expressed himself as follows: "If governor Bernard does not appoint my father judge of the superior court, I will kindle such a fire in the province as shall singe the governor, though I myself perish in the flames." Mr. Hutchinson however, hurried to Mr. Bernard, procured a promise, which being once given the governor would not retract, and got himself appointed chief justice, by which he gratified both his ambition and covetousness, his two ruling passions. The friends of government regretted the appointment, foreboding the evils it would produce. The governor lost the influence and support of colonel Otis. The son quitted the law-place he held; would never be persuaded to resume it, or to accept of another; joined himself to the party which was jealous that the views of administration were unfavorable to the rights of the colony, and stood ready to oppose all encroachments; and soon became its chief leader. He signalized himself, by pleading in a most masterly manner, against granting *writs of assistance* to custom-house officers. These writs were to give them, their deputies, &c. a general power to enter any houses, &c. that they would *say they suspected*. The custom-house officers had received letters from home, directing them to a more strenuous exertion in collecting the duties, and to procure writs of assistance. The idea of these writs excited a general alarm. A strong jealousy, of what might be eventually the effect of them upon the liberties of the people, commenced. They might prove introductory to the most horrid abuses; which the meanest deputy of a deputy's deputy might practise with impunity, upon
a mer-

a merchant or gentleman of the first character; and there would be the greater danger of such abuses, by reason of the immense distance of the scene of action from the seat of government. The voice of the complainant would not be heard three thousand miles off, after the servants of government had deafened the ears of administration by misrepresentations. From this period may be dated, the fixed, uniform, and growing opposition, which was made to the ministerial plans of encroaching upon the original rights and long established customs of the colony. In 1761, the officers of the customs applied to the superior court for such writs. The great opposition that was made to it, and the arguments of Mr. *Otis*, disposed the court to a refusal; but Mr. *Hutchinson*, who had obtained the place of chief justice, prevailed with his brethren to continue the cause till next term; and in the mean time, wrote to England, and procured a copy of the writ, and sufficient evidence of the practice of the exchequer there, after which like writs were granted. But before this was effected, Mr. *Otis* was chosen one of the representatives for *Boston*, by the influence of the friends to liberty; whose jealousies there and elsewhere, afterward increased apace, upon hearing that the British officers insisted frequently upon the necessity of regulating and *reforming*, as they styled it, the colonial governments; and that certain travellers were introduced to particular persons with a—

1762. "This is a gentleman employed by the earl of *Bute* to travel the country, and learn what may be proper to be done, in the grand plan of *reforming* the *American governments*." It was understood, that their business was to make thorough observation upon the state of the

4

country,

country, that so the ministry might be enabled to judge what regulations and alterations could safely be made in the police and government of the colonies, in order to their being brought more effectually under the government of parliament. They were also as much as possible, to conciliate capital and influential characters, to ministerial measures speedily to be adopted. The British ministry have been greatly mistaken, in supposing it is the same in *America* as in their own country. Do they gain over a gentleman of note and eminence in the colonies, they make no considerable acquisition. He takes few or none with him; and is rather despised, than adhered to by former friends. He has not, as in Britain, dependants who must act in conformity to his nod. In *New England* especially, individuals are so independent of each other, that though there may be an inequality in rank and fortune, every one can act freely according to his own judgment.

But nothing, it may be, excited a greater alarm in the breasts of those to whom it was communicated, than the following anecdote, viz. The Rev. Mr. *Whitefield*, ere he left *Portsmouth* in *New Hampshire*, on Monday afternoon, April the second 1764, sent for Dr. *Langdon* ^{1764.} and Mr. Haven, the congregational ministers of the ^{April} town, and upon their coming and being alone with him, said, "I can't in conscience leave the town without acquainting you with a secret. My heart bleeds for *America*. O poor *New England*! There is a deep laid plot against both your civil and religious liberties, and they will be lost. Your golden days are at an end. You have nothing but trouble before you. My information comes from the best authority in *Great Britain*. I was
allowed

allowed to speak of the affair in general, but enjoined not to mention particulars. Your liberties will be lost*." Mr. Whitefield could not have heard what the commons did in the preceding month; his information must have been of an earlier date, and might have been communicated before he left Great Britain. Beside the general design of taxing the colonies, the plan was probably, this in substance—Let the parliament be enaged to enter heartily and fully into American matters; and then under its sanction, let all the governments be altered, and all the councils be appointed by the king, and the assemblies be reduced to a small number, like that of New York. After that, the more effectually to secure the power of civil government by the junction of church influence, let there be a revival of all the acts in the several colonies, with a view of setting aside those in particular, which provide for the support of the ministers. But if the temper of the people makes it necessary, let a new bill for the purpose of supporting them pass the house, and the council refuse their concurrence; if that will be improper, then the governor to negative it. If that cannot be done in good policy, then the bill to go home, and let the king disallow it. Let bishops be introduced, and provision be made for the support of the episcopal clergy. Let the congregational and presbyterian clergy, who will receive episcopal ordination, be supported; and the leading ministers among them be bought off by large salaries. Let the liturgy be revised and altered. Let episcopacy be accommodated as much as possible to the cast of the people. Let places of

* Dr. Langdon told it me in conversation; and afterward mentioned it in his sermon preached before the convention of the ministers.

power, trust and honor be conferred only upon episcopals, or those that will conform. When episcopacy is once thoroughly established, increase its resemblance to the English hierarchy, at pleasure.

These were the ideas, which a certain gentleman communicated to Dr. Stiles *, when they were riding together in 1765. The Doctor, after hearing him out, expressed his belief, that before the plan could be effected, such a spirit would be roused in the people, as would prevent its execution. The good man groaned and replied, "If the commotions now existing prevail on the parliament to repeal the stamp-act, I am afraid the plan cannot be accomplished."

In reference to alterations in the civil line, Dr. Landon informed me, that governor *Wentworth* told him, the *Massachusetts* and *New Hampshire* were to be one government under one governor: the Doctor thought the design of joining *Rhode Island* with them was also mentioned, though of this he could not be certain. The *New England* colonies would have suffered most by the proposed alterations, while they deserved it the least, and were entitled for their ready exertions, to a return expressive of gratitude. Many of the common soldiers, who gained such laurels, by their singular bravery on the plains of Abraham, when Wolfe died in the arms of victory, were natives of the *Massachusetts-bay*. When *Martinico* was attacked in 1761, and the British force was greatly weakened by death and sickness, the timely arrival of the *New England* troops, enabled the former to prosecute the reduction of the island to an happy issue. A great part of the British force being about to

* Now president of Yale College in Connecticut.

fail from thence for the Havannah, the New Englanders, whose health had been much impaired by service and the climate, were sent off in three ships, to their native country for recovery. Before they had completed their voyage, they found themselves restored, ordered the ships about, steered immediately for the Havannah, arrived when the British were too much reduced to expect success, and by their junction served to immortalize afresh, the glorious first of August, old stile, in the surrender of the place on that memorable day: they exhibited, at the same time, the most signal evidence of devotedness to the parent state. Their fidelity, activity, and courage, were such as to gain the approbation and confidence of the British officers*.

As to the religious part of the plan, recollect what has been already mentioned of archbishop *Secker*; carefully peruse Dr. *Mayhew's* noted answer to one of his publications, and what is related concerning him in the collection of papers above quoted; and you will scarce doubt, "but that it was the metropolitan's intention to reduce all the British colonies under episcopal authority." Remember also, that the bishop of *Landaff* in his sermon of 1766, assures us, that *the establishment of episcopacy* being obtained, "the *American* church will go out of its infant state; be able to stand upon its own legs; and, without foreign help, support and spread itself; and *then this society will be brought to the happy issue intended.*" Mr. *Whitefield* said upon it, in his letter to Dr. *Durell*, "supposing his lordship's assertions true, then I fear it will follow, that a society, which since its first institution

* From Brooke Woodcock esq. of Saffron Walden, who served at the taking of Belleisle, Martinico, and the Havannah.

hath been looked upon as *a society for propagating the gospel*, hath been all the while rather *a society for propagating episcopacy in foreign parts.*"

This letter will close with a few more articles of information. Among the original instructions to *Benning Wentworth* esq; governor of *New Hampshire*, signed June 30th 1761, the 27th says, "You are not to give your assent to, or pass any law imposing duties on negroes imported into *New Hampshire*:" some of the colonies were for discouraging the introduction of negroes; for which purpose they wished to lay a duty upon them. The 69th contains the following direction, "No school-master to be henceforth permitted to come from *England* without the licence of the bishop; and no other person now there, or that shall come from other parts, shall be admitted to keep school without your licence first obtained."

A law passed in the *Massachusetts* entitled, "An 1762 act to incorporate certain persons, by the name of Feb. *The society for promoting Christian Knowledge among the Indians in North America*; but was disallowed at the court of *St. James's* the 20th of May 1763. Mr. *Fasper Mauduit* in his letter to Mr. *Bowdoin* of April 7, 1763, writes, "So long ago as the 10th of December, I was told at the plantation office, that this act was opposed by the archbishop and the society for propagating the gospel. Mr. *Pownall* told me, that the bill would not pass; that the lords would not dispute the laudableness of the design, but there were political reasons for not confirming it; that the people might apply the money to oppose the missionaries of the church of *England*. I answered, I wished that the society for propagating

gating the gospel had employed their missionaries more among the Indians, than they had hitherto done in *North America*." From what passed, the real reasons for disallowing the bill may be gathered.

L E T T E R III.

Roxbury, Dec. 24, 1772.

1763. **M**R. *Israel Mauduit*, the *Massachusetts* agent, gave early notice of the ministerial intentions to tax the colonies; but the general court not being called together till the latter end of the year, instructions to the agent, though solicited by him, could not be sent in season.
1764. The house of representatives came to the following resolutions—"That the sole right of giving and granting the money of the people of that province, was vested in them as their legal representatives; and that the imposition of duties and taxes by the parliament of Great Britain, upon a people who are not represented in the house of commons, is absolutely irreconcilable with their rights."—"That no man can justly take the property of another without his consent; upon which original principle, the right of representation in the same body which exercises the power of making laws for levying taxes, one of the main pillars of the *British* constitution, is evidently founded."

These

These resolutions were occasioned by intelligence of what had been done in the British house of commons. It had been there debated in March, whether they had a *right* to tax the *Americans* they not being represented, and determined unanimously in the affirmative. Not a single person present ventured to controvert the *right*. Soon after, the sugar or molasses act was passed: and April "it is certainly true, that till then, no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute book. All before stood on *commercial* regulation and restraints *." It is styled "an act for granting certain duties in the British colonies and plantations in America, for continuing amending and making perpetual an act passed in the sixth year of George the second, (entitled an act for the better securing and encouraging the trade of his majesty's colonies in America) for applying the produce of such duties, &c." From its perpetuating the sugar act of George II. it is called the sugar or molasses act. It runs thus, "Whereas it is expedient, that new provisions and regulations should be established in improving the revenue of this kingdom, and for extending and securing the navigation and commerce between Great Britain and your majesty's dominions in America—And whereas it is just and necessary, that a *revenue* be raised in *America* for defraying the expences of defending, protecting, and securing the same—We the commons, &c. toward raising the same, give and grant unto your majesty after the 29th of September 1764, upon clayed sugar, indigo and coffee of foreign produce—upon all wines except French—upon all

* Mr. Burke's speech on American taxation, April 19, 1774.

wrought silks, Bengals and stuffs mixed with silk of Persia, China, or East-India manufacture—and all calicoes painted, printed, or stained there (certain specified duties)—upon every gallon of molasses and sirups, being the produce of a colony not under the dominion of his majesty, the sum of three-pence—the monies arising, after charges of raising, collecting, &c. are to be paid into the receipt of his majesty's Exchequer—shall be entered separate, and be reserved to be disposed of by parliament, toward defraying the necessary expences of defending &c. the British colonies." The wording of the act might induce the colonies to view it as the beginning of sorrows; and they might fear that the parliament would go on in charging them with such taxes as it pleased, for such military force as it should think proper. This ill prospect seemed to the Americans, boundless in extent, and endless in duration.

They objected not to the *parliament's right of laying duties to regulate commerce*: but the *right of taxing them* was not admitted. The ministerial plan, sent to Mr. Shirley in 1754, occasioned much conversation on the subject, and the common opinion was, that the parliament could not tax them, till duly represented in that body, because it was not just, nor agreeable to the nature of the English constitution. But though few or none were willing to admit the *right*; the generality were cautious how they denied the *power*, or the obligation to submit on the part of the Americans, when the power was exercised. Even Mr. Otis tells us, "We must and ought to yield obedience to an act of parliament,

ment, though erroneous, till repealed*." "The power of parliament is uncontrollable, but by themselves, and we must obey. There would be an end of all government, if one or a number of subordinate provinces should take upon themselves, so far to judge of the justice of an act of parliament, as to refuse obedience to it. If there was nothing else to restrain such a step, prudence ought to do it, for forcibly resisting the parliament and the king's laws is high treason. Therefore let the parliament lay what burthens they please upon us, we must, it is our duty to submit, and patiently to bear them, till they will be pleased to relieve us †." He went so far as to publish, "It is certain that the parliament of Great Britain has a just and equitable right, power and authority, to impose taxes on the colonies, internal and external, on lands as well as on trade ‡." "The supreme legislative represents the whole society or community, as well the dominions as the realm. This is implied in the idea of a supreme power; and if the parliament had not such an authority, the colonies would be independent §." But the two last quotations were extorted from him, through fear of being called to an account for the part he had acted, or for what he had before advanced in print, conversation, or debate. His first pamphlet, *The rights of the BRITISH colonies*, which had been twice read over in the house of assembly within the space of five days, though guarded by some expressions, had a strong tendency to excite a powerful opposition to ministerial plans; especially where he says, "I cannot but observe

* Otis's Rights of the British Colonies, p. 57. † Ibid. p. 59.

‡ His Vindication of the British Colonies, p. 4. § Ibid. p. 21.

here, that if the parliament have an equitable right to tax our trade, it is indisputable, that they have as good a one to tax the lands and every thing else. There is no foundation for the distinction some make in England, between an internal and external tax on the colonies *." These expressions could not but spread a general alarm through the country, and inflame every planter against parliamentary taxation. The house had so high an opinion of this pamphlet, that they ordered it to be sent over to Mr. *Mauduit* with a letter, wherein they instructed him to use his endeavours to obtain a repeal of the sugar act, and to exert himself to prevent a stamp act, or any other impositions and taxes, upon this and the other American provinces. They do not appear to have made any particular objection to the term *revenue* introduced into the sugar act; but to have confined their objections to the laying on of the duty, when they were not represented,

The act disgusted the more, because of its being so unseasonable. The duties were to be paid in specie, while the old means of procuring it were cut off. The ministry, resolved to prevent smuggling, obliged all sea officers stationed on the American coasts, to act in the capacity of the meanest revenue officers, making them submit to the usual custom-house oaths and regulations for that purpose. This proved a great grievance to the American merchants and traders. Gentlemen of the navy were unacquainted with custom-house laws. Many illegal seizures were made. No redress could be had but from Britain; which it was tedious and difficult to obtain. Beside, the *American* trade with the *Spaniards*,

* Otis's Rights of the British Colonies, p. 63.

by which the British manufactures were vended in return (for gold and silver in coin or bullion, cochineal, &c. as occasion served) was almost destroyed instantly, by the armed ships under the new regulations. The trade was not literally and strictly according to law, but highly beneficial; and a thorough statesman would have declined employing his own navy in crushing it. The trade also from the northern colonies with the *French West-India* islands was nearly suppressed. These irritating measures strengthened the opposition to the sugar act.

The *Massachusetts* assembly, who were the first representative body that took the act into consideration, ordered, that Mr. *Olis* and four others of the house should be a committee in the recess of the court, to write to the other governments, and acquaint them with the instructions voted to be sent to their agent; and that the said committee, in the name and behalf of the house, should desire the several assemblies on the continent to join with them in the same measures. The committee attended to the business: and the end proposed by it was answered: committees were moreover appointed by divers other colonies to correspond with the several assemblies, or committees of assemblies on the continent. Thus a new kind of correspondence was opened between the colonies, tending to unite them in their operations against ministerial encroachments on their privileges; and which proved of great advantage to them afterward.

At the next session a committee was appointed to consider the state of the province, as it might be affected, by certain duties and taxes laid and proposed to be laid by acts of parliament upon the colonies. The consequence was, a committee of the council and house to prepare an address

addresses to the parliament. The lieutenant governor, Mr. *Hutchinson*, who was of the council, was chairman, but declined drawing up any. Several were proposed, which expressed in strong terms an exclusive right in the assembly to impose taxes. He urged the indecency and bad policy, when they had the resolutions of the house of commons before them, of sending an address asserting, in express words, the direct contrary. Many days having been spent upon the business, at the desire of the committee, he drafted an address, which considered the *sole power* of taxation as an indulgence of which they prayed the continuance, and it was *unanimously* agreed to. The petition does not intimate the least denial of the right of parliament to tax them; but sets forth the impolicy of the laws and the hardships brought upon the petitioners, and prays that they may be relieved from the burdens brought upon them by the sugar act; that the privileges of the colonies relative to their internal taxes, which they have so long enjoyed, may be still continued; or that the consideration of such taxes as are proposed to be laid upon the colonies, may be referred, until the petitioners, in conjunction with the other governments, can have an opportunity to make a full representation of the state and condition of the colonies, and the interest of Great Britain with regard to them. The proceeding of the general court was approved of out of doors, until the copy of the *New York* address was received, which was so high, that many of the friends of liberty were mortified at their own conduct, and if possible would gladly have recalled their own doings*.

* Mr. *Hutchinson's* letter of March 8, 1766.

The Massachusetts's petition was forwarded by governor Bernard, and accompanied with a letter to lord *Halifax*; in which he wrote, "Massachusetts is the only one of the old colonies, that I know of, that enjoys a specie currency. This reflects great honor upon the province itself, as it is a great instance of their prudence, who took hold of a singular opportunity to destroy their paper money, which other colonies who had it equally in their power neglected. But I fear, that if the great sums, which are expected to be raised in America are to be transported to Great Britain, there will soon be an end of the specie currency of the Massachusetts; which will be followed by a total discouragement for other provinces to attempt the same in future. In which case, perpetual paper money, the very negative power of riches, will be the portion of America." After arguing against the duties, from America's being unable, for want of a sufficient specie currency, to pay them without being drained of their specie, as it would require a dead stock of three years value of the annual income of the revenues, he added, "If due care be taken to confine the sale of manufactures and European goods (except what shall be permitted) to Great Britain only, all the profits of the American foreign trade will necessarily centre in Great Britain; and therefore if the first purpose is well secured, the foreign American trade is the trade of Great Britain. The augmentation and diminution, the extension and restriction, the profit and loss of it all, finally comes home to the mother country. It is the interest of Great Britain, that the trade to both the Spanish and French West Indies should be encouraged as much as may well be, and the British West

Indies should be taught that equitable maxim, *live and let live.*" It appeared to be the decided opinion of the governor, that the sending home the produce of the duties and taxes proposed, would take from the Americans the means of trade, and render it impracticable for them to make remittances to Great Britain.

The *Virginia* council and house of burgesses petitioned the king, presented a memorial to the house of lords, and remonstrated to the house of commons. *New York, Rhode Island, &c.* petitioned. The *New York* petition was conceived in such strong terms, and deemed so inflammatory, that their agent could not prevail on any one member of the house to present it.

The colonies denied the *parliamentary right of taxation* many months before any member of the British parliament uttered a single syllable to that purpose: and the American opposition to the stamp-act was fully formed before it was known by the colonists, that their cause was espoused by any man of note at home, as *Britain* is styled.

Beside the colonial proceedings related above, it must be noted, that the inhabitants of several places met and agreed, not to buy any clothing (they could do without) which was not of their own manufacturing. Divers associations also were formed, all of whom resolved to consume as few British manufactures as possible.

The raising of a revenue from the molasses trade, and a fund to defray the expences of defending the colonies, were in contemplation nine years before*; but the resolutions taken by the house of commons, in the be-

* Mr. agent Bollan's letters of that date to the Massachusetts's general court.

ginning of this year, might be forwarded by Mr. *Huske*, an *American*, a native of *Portsmouth* in *New Hampshire*, who a short time before obtained a seat in parliament. Instead of standing forth a firm advocate for the country which gave him birth, he officiously proposed to the house, laying a tax on the colonies, that should annually amount to five hundred thousand pounds sterling, which he declared they were well able to pay: and he was heard with great joy and attention*. He or some other, recollecting that a stamp act was talked of by the commissioners at Albany, in 1754, might suggest that mode of taxing, for whatever was thought, *the stamp-act was not originally Mr. Grenville's* †.

The disposition to tax the *Americans*, unless they would tax themselves equal to the wishes of the ministry, was undoubtedly strengthened by the reports of their gaiety and luxury, which reached the mother country: it was also said, that the planters lived like princes, while the inhabitants of *Britain* labored hard for a tolerable subsistence. The officers lately returned, represented them as rich, wealthy, and even overgrown in fortune. Their opinion might arise from observations made in the American cities and towns during the war, while large sums were spent in the country, for the support of fleets and armies. American productions were then in great demand, and trade flourished. The people, naturally generous and hospitable, having a number of strangers among them, indulged them-

* Mr. Sayre's letter to captain Sears of New York, dated London 7th of February, 1764.

† Mr. Jackson's letter to lieutenant governor Hutchinson, December 26, 1763.

selves in many uncommon expences. When the war was terminated, and they had no further apprehension of danger, the power of the late enemy in the country being totally broken—*Canada*, and the back lands to the very banks of the *Mississippi*, with the *Floridas*, being ceded to *Great Britain*—it was thought they could not well make too much of those who had so contributed to their security. Partly to do honor to them, and partly, it is to be feared, to gratify their own pride, they added to their show of plate, by borrowing of neighbours, and made a great parade of riches in their several entertainments. The plenty and variety of provision and liquors, enabled them to furnish out an elegant table at a comparatively trifling expence.

Mr. *Grenville*'s intended stamp-act was communicated to the American agents. Many of them did not oppose it. Half their number were placemen, or dependent on the ministry. Mr. *Joseph Sherwood*, an honest quaker, agent for *Rhode Island*, refused his assent to America's being taxed by a British parliament. Mr. *Maudslott*, the *Massachusetts* agent, favored the raising of the wanted money by a stamp duty, as it would occasion less expence of officers, and would include the *West India* islands. But the scheme was postponed, and the agents authorized to inform the American assemblies, that they were at liberty to suggest any other way of raising monies; and that Mr. *Grenville* was ready to receive proposals for any other tax, that might be equivalent in its produce to the stamp-tax. The colonies seemed to consider it as an affront, rather than a compliment. He would not have been content with any thing short of a certain specific sum, and proper funds
for

for the payment of it. Had not the sums been answerable to his wishes, he would have rejected them; and he would scarce have been satisfied with less than 300,000*l.* per annum, which was judged absolutely necessary to defray the whole expence of the army proposed for the defence of America: he might rather have expected that it should amount to what Mr. *Huske* had mentioned. No satisfactory proposals being made, he adhered to his purpose of bringing forward the stamp-bill, though repeatedly pressed by some of his friends to desist, while he might have done it with honor. *Richard Jackson* esq; had been chosen agent for the Massachusetts; he with Mr. *Ingersoll*, Mr. *Garth*, and Mr. *Franklin*, lately come from Philadelphia, waited on Mr. *Grenville*, the second of February, 1765, by desire of ^{1765.} the colonial agents, to remonstrate against the stamp-^{Feb.} bill, and to propose that in case any tax must be laid ^{2.} upon America, the several colonies might be permitted to lay the tax themselves. At this interview Mr. *Jackson* opened his mind freely on the subject; and Mr. *Franklin*, as must be supposed, mentioned that he had it in instruction from the assembly of *Pennsylvania*, to assure the ministry, that they should alway think it their duty to grant such aids to the crown, as were suitable to their circumstances, whenever called for in the usual constitutional manner. Mr. *Grenville* however, pertinaciously adhered to his own opinions; and said, that he had pledged his word for offering the stamp-bill to the house, and that the house would hear their objections, &c. &c.

The bill was brought in; and on the first reading, Mr. *Charles Townsend* spoke in its favor. He took notice

tice of several things that colonel *Barre* had said in his speech against it; and then concluded with the following or like words: "And now will these *Americans*, children planted by our care; nourished up by our indulgence, until they are grown to a degree of strength and opulence; and protected by our arms; will they grudge to contribute their mite, to relieve us from the heavy weight of that burden which we lie under?"

On this colonel *Barre* rose, and after explaining some passages in his speech, took up Mr. *Townsend's* concluding words in a most spirited and inimitable manner, saying, "*They planted by YOUR care!* No, your oppressions planted them in America. They fled from your tyranny, to a then uncultivated and inhospitable country, where they exposed themselves to almost all the hardships to which human nature is liable; and among others, to the cruelties of a savage foe, the most subtle, and I will take upon me to say, the most formidable of any people upon the face of God's earth; and yet, actuated by principles of true English liberty, they met all hardships with pleasure, compared with those they suffered in their own country, from the hands of those that should have been their friends.—*They nourished up by YOUR indulgence!* They grew by your neglect of them. As soon as you began to care about them, that care was exercised in sending persons to rule them, in one department and another, who were, perhaps, the deputies of deputies to some members of this house, sent to spy out their liberties, to misrepresent their actions, and to prey upon them—men, whose behaviour on many occasions, has caused the blood of those *sons of liberty* to recoil within them—men promoted to the highest

highest fears of justice; some who to my knowledge were glad, by going to a foreign country, to escape being brought to the bar of a court of justice in their own.—*They protested by YOUR arms!* They have nobly taken up arms in your defence; have exerted a valor, amidst their constant and laborious industry, for the defence of a country, whose frontier was drenched in blood, while its interior parts yielded all its little savings to your emolument.—And believe me, remember I this day told you so, that same spirit of freedom, which actuated that people at first, will accompany them still—but prudence forbids me to explain myself further.—God knows, I do not at this time speak from motives of party heat; what I deliver are the genuine sentiments of my heart. However superior to me in general knowledge and experience the respectable body of this house may be, yet I claim to know more of America than most of you, having seen and been conversant in that country.—The people, I believe, are as truly loyal as any subjects the king has; but a people jealous of their liberties, and who will vindicate them, if ever they should be violated—but the subject is too delicate—I will say no more.” These sentiments were thrown out, so entirely without premeditation, so forcibly and so firmly; and the breaking off was so beautifully abrupt, that the whole house sat awhile amazed, intently looking without answering a word.

The London merchants trading to America, being much alarmed on account of their outstanding debts, petitioned against the stamp-act. Their petition was offered at the second reading of the bill. The rule of the house, never to receive petitions against money bills,

was urged. General *Conway* observed, that it appeared undeniable, that the practice was by no means invariable; at best it was but a practice of convenience, from which they ought, in the present instance, to vary. The ministry publicly declared, "*That it was intended to establish the power of Great Britain to tax the colonies.*" They were induced to make a point of it, because most of the petitions from thence, denied in the strongest terms, the right of Britain to impose taxes. It was evident that the ministerial forces would prevail, the petition of the London merchants was therefore withdrawn. After that, the others from the colonies were offered, but rejected upon the plea taken from the rule of the house. During the debate upon the bill, in this stage of it, "general *Conway* denied the *right* of parliament to tax the *Americans*, in the most peremptory manner; and urged, with great vehemence, the many hardships, and what he was pleased to call, absurdities, that would follow from the contrary doctrine and practice *." Alderman Beckford also disputed the right of parliament, according to Mr. Ingersoll's letter.

The supporters of the stamp-act insisted much upon the colonies being *virtually* represented; and mentioned *Leeds*, *Halifax*, *Birmingham*, *Manchester*, &c. as enjoying a *virtual representation*. Whoever had a recourse to a *virtual representation* of the colonies, in vindication of the parliament's taxing them, therein acknowledged, that there ought not to be taxation without representation. But the difference between *Leeds*, *Halifax*, &c. and the *American* colonies, is as wide as the *Atlantic*. The landholders of those towns enjoy a real representa-

* Mr. Ingersoll's letter of March 6, 1765.

tion, if their freeholds yield a certain annual income. Many of the inhabitants have a choice in the election of members, in one place or another. The general interests of the freeholders and tenants, electors and non-electors, are so interwoven, that all are liable to be equally affected by the same common taxes. The one pays the same duty on his sugar, tea, coffee, and chocolate, as the other. The relative connection between them, produces what may be called, with a kind of propriety, a *virtual representation*; answering, though in a lower degree, to what the family of a freeholder or freeman enjoys. But was all the soil in the British colonies a man's freehold, it would not give him a single vote for any one member of parliament. There is not an individual in them, who should he cross the Atlantic, would have a right to vote in any election, by virtue of any privileges enjoyed in America. He must be a freeholder of Britain, or a freeman of some British city, borough, or corporation, and have a British qualification, before he can elect or be elected. The interests of *America* and *Britain* are not interwoven, as are those of British electors and non-electors. If the British parliament impose taxes on the Americans, Britons do not bear with them, their part and proportion in the said taxes. The former are burdened; that the latter may be eased. The monies raised have the nature of a tribute, exacted from a conquered people in a slavish dependence; and not of a tax voluntarily granted by the voice of freemen, through their own elected representatives, paying scot and lot with themselves for the support of government. Beside, the British parliament are so far removed from America, that they cannot obtain

that full information respecting the colonies, which ought alway to accompany the exercise of a taxing power.

When the question upon the bill, in its last stage, was brought to a vote, there were about 250 for, and 50 against it. In the house of lords, so strong was the unanimity, that there was not a single syllable uttered against the bill; and on the twenty-second of March, it obtained the royal assent. The night after it was passed, Mar. 22. Dr. *Franklin* wrote to Mr. *Charles Thomson* *, “ the fun of liberty is fet; you must light up the candles of industry and oeconomy.” Mr. *Thomson* answered, he was apprehensive that other lights would be the consequence, and predicted the opposition that followed.

The framers of the stamp-act flattered themselves, that the confusion which would arise upon the disuse of writings, would compel the colonies to use the stamp-paper, and therefore to pay the taxes imposed. Thus they were led to pronounce it, *a law which would execute itself*. Mr. Grenville however appears to have been apprehensive, that it might occasion disorders; to prevent or suppress which, he projected another bill, which was brought in the same session, whereby it was to be made lawful for military officers in the colonies, to quarter their soldiers in private houses. This seemed intended to awe the people into a compliance with the other act. Great opposition being made to it, as under such a power in the army, no one could look on his house as his own, that part of the bill was dropt; but there still remained a clause, when it passed into a law, to oblige the several assemblies to provide quarters for the soldiers, and to furnish them with firing, bedding, candles, small beer, rum, and sundry other articles, at

* Since the secretary of Congress,

the expence of the several provinces; which continued in force when the stamp-act was repealed. It equally militated with the other against the American principle, *that money is not to be raised on English subjects without their consent.*

Whatever might be urged, government was under no necessity of adopting the mode of taxing the colonies, for their defence and the securing of the new ceded countries. Though after the general peace, an Indian war might be continued or renewed, that was no reason for continuing British forces in America. The colonists were better able to deal with them than the regulars. The new ceded countries required no great number of troops to secure them. The colonies were at hand to support the British garrisons in case assistance was wanted; and they had repeatedly showed their readiness upon former occasions. The idea of a dangerous enemy upon the American continent was at an end: and the British administration must have been inexcusable, had they not guarded against the transferring of one from Europe. It was become futile to exclaim—"Shall it depend upon the resolutions of a Philadelphia assembly, whether our fellow subjects shall arm in defence of liberty and property? Does the fate of a whole continent bear any proportion to an almost imperceptible encroachment upon the important privilege of an American, deliberating for a year or two, whether he will pay six-pence in the pound to save himself and family from perdition?" The danger of perdition was a mere bugbear, which might frighten the ignorant into an apprehension, that it was absolutely necessary to maintain an army in America, for the expence of which the colonies should be

made to answer: but the Americans knew better than to startle at the spectre. Had no more troops been stationed upon the American continent than circumstances called for, the ministry might have obtained all the aids it was reasonable for the colonies to have given, by the old mode of requisition. From the time that they were first considered as capable of granting aids, the constant mode of obtaining them, was by *requisition from the crown*, through the governors to the several assemblies: and the ministers, from *Charles II.* to the present king, most effectually recognised the distinction between parliamentary superintendence and taxation, in their requisitions to the colonies to raise men and money by acts of assembly. Had this happy method been continued, all the money that could have been justly expected from them in any manner, might have been procured without the least breach of that harmony, which so long subsisted between the colonies and the mother country: and it was not acting wisely to thwart unnecessarily the prejudices of the Americans. But the imposition of taxes upon them might be introductory to, or a part of the plan for overturning their civil and religious liberties, alluded to by the Rev. Mr. *Whitefield*, before even the fugar-act had passed.

The stamp-act having passed, the colony agents waited upon Mr. Wheatley by desire, who told them, that Mr. Grenville did not think of sending from Great Britain stamp officers, but wished to have discreet and respectable persons appointed from among the inhabitants; and that he would be obliged to them to point out to him such persons. Thus the agents were drawn in to nominate. Dr. Franklin recommended Mr. *Hughes*

to

to be chief distributor of stamps in *Pennsylvania*, and Mr. Cox in the *Jerseys*; and being consulted by Mr. *Ingersoll*, advised him to accept, adding, *go home and tell your countrymen to get children as fast as they can*—thereby intimating his opinion of the oppression the colonists were under, and of their present inability to make effectual resistance; but that they ought, when sufficiently numerous, to shake off the yoke and recover their liberty. It is apparent from the recommendations, and the appointments made in consequence of the nominations, that the agents were far from thinking, that such disturbances would have been occasioned by the stamp-act, or they would have spared their friends. They certainly expected the act would have gone down, and the stamp-papers have been used. But it was the reverse.

A general discontent through the *Massachusetts* discovered itself immediately on the first advice of the act's having passed; but there was no other expectation among the bulk of the people, than that the act would be submitted to, and the duty paid; and several who afterward opposed it violently, made interest with the distributor, that they or their friends might obtain appointments. The newspapers indeed, groaned for the loss of liberty; however, nothing extravagant appeared in them: but the friends to the claims of the colonies, pleased with colonel Barre's speech, and what he had pronounced the Americans, assumed to themselves the title of—**SONS OF LIBERTY.**

In Connecticut, the inhabitants were quite inattentive to the fatal consequences that the act might draw after it in some distant period. The judges themselves, several of whom were of the council, appeared perfectly

secure, and were no ways alarmed. The Rev. Mr. *Stephen Johnson* of *Lyme*, vexed and grieved with the temper and inconsiderateness of all orders of people, determined if possible to rouse them to a better way of thinking. He consulted a neighbouring gentleman, an Irishman by birth, who undertook to convey the pieces he might pen to the *New London* printer, so secretly as to prevent the author's being discovered. Three or four essays were published upon the occasion. The eyes of the public began to open, and fears were excited. Other writers engaged in the business, while the first withdrew, having fully answered his intention. The congregational ministers saw further into the designs of the British administration than the bulk of the colony; and by their publications and conversation, increased and strengthened the opposition. It became so considerable, that when governor *Fitch* proposed that he and the counsellors should be sworn agreeable to the stamp-act, colonel *Trumbull** went out and refused even to witness to the transaction. Others followed this spirited example, and only four of the council remained.

In *Virginia* a general disposition appeared to submit to the stamp-act: but *George Johnston* and *Patrick Henry* esqrs. consulted together; and afterward, at the close of the sessions, when there was but a thin house, many members being absent preparing to return home, Mr. Henry brought in a number of resolves. They were as follows, viz. "Whereas the honorable house of commons in *England*, have of late drawn into question how far the general assembly of this colony hath power to enact laws for laying of taxes and imposing duties, pay-

* Now governor Trumbull.

able by the people of this his majesty's most ancient colony—for settling and ascertaining the same to all future times, the house of burgeses of this present general assembly, have come to the following resolves :

Resolved, That the first adventurers, settlers of this his majesty's colony and dominion of *Virginia*, brought with them and transmitted to their posterity, and all other his majesty's subjects since inhabiting in this his majesty's said colony, all the liberties, privileges, franchises and immunities, that have at any time been held, enjoyed, and possessed by the people of *Great Britain* :

Resolved, That by two royal charters, granted by king *James I.* the colonists aforesaid are declared and entitled to all liberties, privileges, and immunities of denizens and natural subjects, to all intents and purposes, as if they had been abiding and born within the realm of *England* :

Resolved, That his majesty's liege people of this ancient colony have enjoyed the right of being thus governed by their own assembly, in the article of taxes and internal police ; and that the same have never been forfeited, or any other way yielded up, but have been constantly recognised by the king and people of *Britain* :

Resolved, therefore, That the general assembly of this colony, together with his majesty or his substitutes, have in their representative capacity, the only exclusive right and power to lay taxes and imposts upon the inhabitants of this colony ; and that every attempt to vest such power in any other person or persons whatsoever, than the general assembly aforesaid, is illegal, unconstitutional, and unjust, and hath a manifest tendency to destroy *British* as well as *American* liberty :

Resolved,

Resolved, That his majesty's liege people, the inhabitants of this colony, are not bound to yield obedience to any law or ordinance whatever, designed to impose any taxation whatsoever upon them, other than the laws or ordinances of the general assembly aforesaid:

Resolved, That any person who shall, by speaking or writing, assert or maintain, that any person or persons, other than the general assembly of this colony, have any right or power to impose or lay any taxation on the people here, shall be deemed an enemy to this his majesty's colony."

Upon reading these resolves, the *Scotch* gentlemen in the house, cried out treason, &c. they were however adopted. The next day, some old members got them revised, though they could not carry it to reject them. As revised they stand thus on the printed journals of the house of burgeses.

Thursday, May 30, 1765.

May 30. Resolved, That the first adventurers, &c. &c. as above:

Resolved, That by two royal charters, &c. &c.

Resolved, That the taxation of the people by themselves, or by persons chosen by themselves to represent them, who can only know what taxes the people are able to bear, or the easiest method of raising them, and must themselves be affected by every tax laid on the people, is the only security against a burdensome taxation, and the distinguishing characteristic of *British* freedom; without which the ancient constitution cannot exist:

Resolved, That his majesty's liege people of this his most ancient and loyal colony have, without interruption, enjoyed

enjoyed the inestimable right of being governed by such laws, respecting their internal polity and taxation, as are derived from their own consent, with the approbation of their sovereign or his substitute; and that the same hath never been forfeited or yielded up, but hath been constantly recognised by the kings and people of *Great Britain*."

Lieutenant governor Farquier dissolved the house of June burgesses upon being made acquainted with their re-¹ solves.

A manuscript of the unrevised resolves soon reached *Philadelphia*, having been sent off immediately upon their passing, that the earliest information of what had been done might be obtained by the sons of liberty. From thence the like was forwarded on the seventeenth of June. At *New York* the resolves were handed about with great privacy: they were accounted so treasonable, that the possessors of them declined printing them in that city. The *Irish* gentleman alluded to above, being there, inquired after them, and with much precaution was admitted to take a copy. He carried them to *New England*, where they were published and circulated far and wide in the newspapers, without any reserve, and proved eventually the occasion of those disorders which afterward broke out in the colonies. Till they appeared, it was thought that the *Rhode Islanders* would submit. Murmurs indeed were continually heard; but they seemed to be such as would die away. The Virginia resolutions gave a spring to all the disgusted; and they began to adopt different measures.

The *Massachusetts* assembly had hit upon a wise and quiet mode of seeking redress, before ever they could

be

be acquainted with what had been done in Virginia. It was projected and brought on by Messrs. Otis's, father and son. They were visiting at *James Warren's* esq; of Plymouth, a son and brother in law, he having married Miss *Otis*. The state of public affairs, and how to get rid of the burdens coming upon the colonies, were the subjects of conversation. Congresses had often been held, and though there was no precedent of any one's being called, but at the instance of persons authorized or employed by the ministry, excepting the first congress we read of, which was proposed by the *Massachusetts* general court in 1690; yet no reasonable objection could be made against holding one upon the present emergency, notwithstanding it might want the sanction of administration. It was agreed to forward the meeting of a congress as a proper method for obtaining the removal of American grievances. The matter was moved in the house of assembly; the consequence was, an agreement that "It is highly expedient, there should be a meeting, as soon as may be, of committees from the houses of representatives or burgesses in the several colonies, to consult on the present circumstances of the colonies, and the difficulties to which they are and must be reduced, and to consider of a general address—to be held at New York the first Tuesday of October." Within two days, a letter was drafted to be sent to the several speakers; and at the close of a fortnight, *James Otis, jun. Oliver Partridge, and Timothy Ruggles* esqrs. were chosen the committee for the *Massachusetts*. The governor, in his account to the lords of trade, said, "It was impossible to oppose this measure to any good purpose; and therefore the friends of govern-

government took the lead in it, and have kept it in their hands. Two of the three chosen are fast friends to government, prudent and discreet men, such as I am assured will never consent to any improper applications to the government of Great Britain." Lieutenant governor *Colden* designedly prorogued the meeting of the *New York* assembly, till after the time appointed for the congress; but the committee ordered, by the vote of the house of the eighteenth of October 1764, to be a committee during the recess, to write to and correspond with the several assemblies or committees of assemblies on the continent, did by virtue of that order, meet in congress; and the house afterward approved of their conduct, on the twentieth of November; and moreover resolved, "that for the obtaining relief from the operation and execution of the stamp-act, and other acts for levying duties and taxes on the colonies, humble petitions be prepared to the king, the house of lords, and the house of commons, as nearly similar to those drawn up by the congress as the particular circumstances of the colony will admit."

The assemblies of *Virginia*, *North Carolina*, and *Georgia* were prevented, by their governors, having the opportunity of sending committees to congress. *The Massachusetts-bay*, *Rhode-Island* and *Providence Plantations*, *Connecticut*, *New York*, *New Jersey*, *Pennsylvania*, the *Delaware Counties*, *Maryland* and *South Carolina*, had their respective committees present at the place appointed; and Mr. *Ruggles* was chosen chairman. The petition to the house of commons being finished was signed; though only by members from six colonies; the committees from *Connecticut*, *New York*, and *South Carolina*,

not

not having been sufficiently empowered. Mr. *Ruggles* took leave of the members, Thursday evening the twenty-fourth of October, and came off the next morning without signing; for which he was afterward censured by the *Massachusetts* assembly. Mr. *Otis* was upon the point of trespassing in like manner; but was prevented by the influence of Mr. *Thomas Lynch* of the *South Carolina* committee. The congress dissolved on October 25. the twenty-fifth, having finished the business, to which they had been appointed. The colonies that could not send committees, showed as opportunities offered, their approbation of what had been done, by forwarding to their agents petitions to the like purpose with that of congress. *New Hampshire* had excused their not sending to congress, from the then situation of their governmental affairs; but the speaker laying before the assembly the proceedings of congress, on November the twenty-second, they voted unanimously, "That this house do fully approve of and heartily join in the resolves and several petitions agreed to by the said general congress; and that the speaker, with two others (all whose names are mentioned) be empowered to sign the same in behalf of this house, if not too late; if the general petitions are forwarded, in that case the said petitions to be fairly engrossed, that they sign them in behalf of the house, and forward them with duplicates to *Barlow Trecothick* and *John Wentworth* esqrs. who are appointed special agents for the house, and are empowered and desired to present the said petitions, &c." The committee wrote to these agents, on December the sixth, and concluded with saying, "We in this province have not been so boisterous and irregular as some others, not because

because we were insensible of our distresses; but because we thought the present method most likely to obtain relief."

The *Virginia* resolves having had their full operation, and the spirits of the people being highly inflamed, the colonial disturbances break out upon the following occasion. Messrs. *John Avery, jun. Thomas Crafts, John Smith, Henry Welles, Thomas Chace, Stephen Cleverly, Henry Bais, and Benjamin Edes*, to manifest their abhorrence and detestation of those persons, who they supposed were endeavouring to subvert the British constitution, to enslave the colonies, and to alienate the affections of his majesty's most faithful subjects in America, provide and hang out early in the morning of August^{Aug.} the fourteenth, upon the limb of a large old elm, to-^{14.}ward the entrance of Boston, over the most public street, two effigies, one of which by the labels, appears to be designed for the stamp officer; the other is a jack boot, with a head and horns peeping out of the top. Not only the usual passengers pass under it, but the report spreads and draws great numbers from every part of the town, and the neighbouring country. The affair is left to take its own course, an enthusiastic spirit diffuses itself through the body of the spectators. In the evening the pageantry is cut down, and carried in funeral procession, the populace shouting, *liberty and property for ever—no stamps, &c. &c.* They direct their way to a new building, lately erected by *Mr. Oliver*, which they pull down, falsely supposing it to be designed for the stamp-office. They go on to his house, before which they behead his effigy, breaking at the same time all the windows next the street. They then repair to

Fort Hill, on the ascent to which stands his house, where they burn his effigy. After this they return to attack his premises; and many of them with clubs, staves, &c. go to work on the garden, fences, barns, &c. Mr. Oliver had prudently retired, leaving a few friends behind to keep possession of the dwelling: these committing some slight indiscretions, the populace are so enraged, that they force themselves into the lower part of it, break the windows and destroy the furniture.

15. They disperse about midnight. The next day Mr. Oliver, fearful of what may otherwise happen, declares that he has written to England, and resigned. The mob assemble again at night: and, after some expressions of joy for the resignation, proceed to the lieutenant governor's, Mr. *Hutchinson's* house, which they besiege for an hour, though in vain, insisting repeatedly upon knowing whether he had not written in favor of the stamp-act: at length, through the influence of some discreet persons, they withdraw, and finish their evening's entertainment at a bonfire.

26. Eleven days after, the disorders grow more enormous and alarming. In the evening a number of persons, disguised and armed with clubs, sticks, &c. collect in King-street, in consequence of a preconcerted plan. They go first to Mr. *Paxton's*, marshal of the court of admiralty and surveyor of the port; being assured by the owner of the house, that Mr. Paxton had quitted it with his best effects; and being invited by him to the tavern to drink a barrel of punch, they accept the offer, and the house is saved. Having finished the punch, they proceed to and attack the house of Mr. *William Story*, deputy register of the court of admiralty; break the windows;

windows; force into the dwelling; strip the office of the books and files belonging to the said court; burn and destroy them, with many other papers; injure and ruin a great part of his furniture.

It is the opinion of some, that the first movers in the affair meant mainly an assault upon the house of the deputy register, who, by various mal-practices, had made himself highly obnoxious to persons doing business at his office. But mobs once raised, soon become ungovernable by new and large accessions, and extend their intentions far beyond those of the original instigators. Crafty men may intermix with them, when they are much heated, and direct their operations quite differently from what was at first designed.

How far the scheme of the present mob extended, when it first collected, is hard to say; but upon leaving Mr. *Story's*, they proceed to the house of Mr. *Benjamin Hallowell*, comptroller of the customs for Boston; and to the repetition of similar excesses to what have been just committed, add the drinking and destroying of liquors in the cellars, the taking away of wearing apparel, the breaking open of desk and drawers, and the carrying off of thirty pounds sterling in money. Many being now inflamed with liquor, and numbers having joined them, they become more riotous, and are ready for any mischief. They hurry away to Mr. *Hutchinson's* house with the rage of madmen. He sends off his children; bars his doors and windows; and means to remain; but is soon under the necessity of withdrawing, first to one house, then to another, where he continues till four in the morning; by which time, one of the best finished houses in the colony has nothing remaining

maining but the bare walls and floors. Gentlemen of the army, who have seen towns sacked by an enemy declare they never before saw an instance of such fury. The rioters carry off about nine hundred pounds sterling, beside plate, family pictures, household furniture of every kind, and the apparel of the lieutenant governor, his children and servants. They also empty the house of every thing whatsoever, except a part of the kitchen furniture; and scatter or destroy all the manuscripts and other papers he has been collecting for thirty years back, besides a great number of public papers in his custody. The loss of papers is irreparable.

27. The next day it was strongly reported, by the enemies of Dr. *Jonathan Mayhew*, that he approved of these doings; and had, indeed, encouraged them, in a sermon preached the preceding Lord's day on *Gal. v. 12, 13*. This led him to write immediately to Mr. *Hutchinson*; and in his letter he condoled with him, "on account of the almost unparalleled outrages, committed at his house the preceding evening;" and said, "God is my witness, that, from the bottom of my heart, I detest these proceedings; and that I am sincerely grieved for them, and have a deep sympathy with you, and your distressed family on this occasion. I did, indeed, express myself strongly, in favor of civil and religious liberty, as I hope I shall ever continue to do, and spoke of the stamp act as a great grievance, like to prove detrimental, in a high degree, both to the colonies and the mother country; and I have heard your honor speak to the same purpose. But, as my text led me to do, I cautioned my hearers very particularly, against the abuses of liberty; and expressed my hopes,

that

that no persons among ourselves had encouraged the bringing of such a burden on their country, notwithstanding it had been strongly suspected. In truth, Sir, I had rather lose my hand, than be an encourager of such outrages as were committed last night. I do not think my regard to truth was ever called into question, by those that knew me; and therefore hope your honor will be so just as to give intire credit to these solemn declarations."

This same day the superior court began its term. The chief justice, Mr. *Hutchinson*, attended in his only suit, and necessarily without those ensigns of office, so wisely calculated to procure regard to authority; while the other gentlemen of the bench and bar appeared in their respective robes. The court refused to do any business, and adjourned to the fifteenth of October, to show their resentment of the insult offered the lieutenant governor, as well as their sense of the anarchy to which the government was reduced. Half a dozen of the dregs of the people, who, being taken up, refused to discover the ringleaders, were committed. Three broke jail and fled, against one of whom a bill was found: against the other three in custody none was found; for it was not thought safe to prosecute. The temper of the public would not admit of it, without hazarding further disturbances; and for that reason, one, who was capitally charged with being a principal in the riot, and secured, was finally dismissed by the justices.

Various causes might contribute toward the outrageous attack upon the house and property of Mr. *Hutchinson*. As long back as 1748, the currency having depreciated to about an eighth of its original value, he,

being then speaker of the house, projected and carried through a bill for abolishing it, and substituting gold and silver in its place, which made him extremely obnoxious to several, who had lived by fraud, and were much dissatisfied with the alteration. They then threatened him with destruction; and, retaining their rancour, are supposed to have been aiders and abettors, if not actors in the riot.—A certain gentleman of great integrity, and who fills a place in the judicial department, with much credit and to the satisfaction of the public, has expressed a strong apprehension, that the mob was led on to the house, by a secret influence, with a view to the destruction of certain papers, known to be there, and which, it is thought, would have proved, that the grant to the New Plymouth company on Kennebec river, was different from what was contended for by some claimants. The papers were never found afterward.—But Mr. *Hutchinson* had certainly disgusted the people exceedingly, by promoting the superior court's granting writs of assistance; and by showing himself so strenuous in supporting government, when become odious, by the measures adopted for obliging the colonies to pay taxes in compliance with British acts of parliament.—He was also strongly suspected of having forwarded the stamp-act, by letters written upon the occasion. These circumstances, co-operating with the general disposition in the people to tumult, produced by a prevailing persuasion, that they were deprived of the liberties of Englishmen, will account for the excessive outrages against him in particular. But their enormity was alarming. No one knew who might be the next sacrifice. The town of Boston therefore, beside condemning

demning them the next day, unanimously voted, "That the select men and magistrates be desired to use their utmost endeavours to suppress the like disorders for the future:" and for some time, the magistrates and private gentlemen, the cadet and other companies, kept watch at night to prevent further violences.

In justice to Mr. *Hutchinson* it must be observed, that from his letters to Messrs. *Bollan*, *Jackson*, and others, it appears, that he then considered parliament's taxing the colonies as inconsistent with the rights of the colonists, and as a mere act of power, without regard to equity. He was at the trouble of writing a pamphlet in 1764, containing *A brief state of the claim of the colonies, and the interest of the nation with respect to them*. This, when he had disguised it so as that it might not be suspected to come from America, he sent to Mr. *Jackson* the agent, who was either to suppress or publish it; and he afterward expressed a surprise at his not having done the latter. The following are extracts from it.

"The right to new acquired countries, according to the constitution of England, two hundred years ago, was allowed to be in the crown. The crown from time to time disposed of these countries, not only to their own subjects but to foreign princes: particularly *Acadie* and *Nova Scotia*, when begun to be settled by British subjects, were ceded to *France*, although *France* had no better claim to them than to New England: and *Surinam* was sold to, or exchanged with the *Dutch*." He might have adduced in proof of James I. being of opinion, that he had a personal right to alienate at pleasure new acquired territory, his granting, in September 1621, *Nova Scotia*, which he could not inherit but as king of

England, to Sir *William Alexander* of Menstry, afterward Lord Stirling, under the seal of Scotland; and his erecting it into a palatinate, to be holden as a fief of the crown of Scotland. Under the same seal, and in the same words, the grant was confirmed by Charles I. in June 1625. The legality of these grants appear not to have been questioned at the time, which indicates that the prevailing opinion of the English corresponded then with that of their sovereigns.

Mr. Hutchinson goes on to mention, "*American* lands in their natural state are of no value: there is not any colony which has not cost more to make it capable of rendering profit than it is now worth."

"In the trading towns, in some of the colonies the last war, one fourth part of the profit of the trade was annually paid to the support of the war, and other public charges. In the country towns, a farm which would not rent for twenty pounds a year, paid ten pounds taxes. Was it from parental affection to the colonists, and to save them from French vassalage, that Great Britain was at such expence; or was it from fear of losing the advantageous trade she had carried on with her colonies?"

"When there is peace in Europe, what occasion is there for any national expence in America?"

"It cannot be good policy to tax the Americans; it will prove prejudicial to the national interests. The advantages proposed by the increase of the revenue, are fallacious and delusive. You will lose more than you will gain. Britain reaps the profit of all their trade, and of the increase of their substance."

"Your commerce with the colonies will be enough for you, should you have no commerce elsewhere, if you

you encourage the colonies to increase the consumption of your manufactures for fifty years to come, as they have done for fifty years past; and with no more than reasonable encouragement they will infallibly do it, and in much greater proportion."

Though the disturbances began in *Boston*, yet they were not confined to the *Massachusetts*. They broke out in the other colonies; and so near to the same time, as to excite suspicions, that it was not wholly the effect of accident, but partly of a preconcerted design. *Rhode Island* and *Providence* Plantations showed themselves among the foremost in their opposition to the stamp-act.

A gazette extraordinary was published at *Providence*, Aug. with *Vox populi, Vox Dei*, in large letters for the frontispiece; and underneath, *Where the Spirit of the Lord is, there is liberty*. The publication had a tendency to prepare the people for action. Effigies were also exhibited; and in the evening, cut down and burnt by the populace.

About nine in the morning, the people of *Newport* 27. in *Rhode Island* brought forth three effigies, meant for Messrs. *Howard*, *Moffatt*, and *Johnston*, in a cart with halters about their necks, to a gallows near the town-house, where they were hung; after a while cut down, and burnt amid the acclamations of thousands.

By the next day there was time enough to hear of 28. what had been done at *Boston*. The people collected, or rather were mustered afresh, and beset the house of Mr. *Martin Howard jun.* a lawyer of reputation, and a writer in defence of the parliament's right to tax the colonies. They destroyed every thing, and left only a shell. They passed on to Dr. *Thomas Moffatt's*, a phy-

fician, one who had warmly supported in conversation the same right, and behaved in like manner. They intended doing it to Mr. *Augustus Johnston*, but desisted upon persuasion; and on his coming to town, and giving it under his hand that he would not accept the office of distributor of the stamps, unless the public were satisfied, they became quiet. Messrs. Howard and Moffatt hastened on board a ship of war for personal safety.

The commotions in *Connecticut* were not equally violent: but Mr. *Ingersoll* was the subject of exhibition in divers places.

Aug. 22. They had their pageantry at *Norwich*, which they committed to the flames, when the day closed.

26. They had the same at *Lebanon*; but before they executed and burnt, they had the parade of a mock trial.

27. The next day there was a repetition of the like, excepting the trial. At length the resentment against the stamp-distributor became so general and alarming, that he resigned his office.

A like resignation takes place in *New York*, some time in August. It becomes a necessary point of prudence, from the spirit which the citizens discover. The stamp-act is treated with the most indignant contempt, by being printed and cried about the streets, under the title of, *The folly of ENGLAND and ruin of AMERICA*. Toward the end of October the stamp papers arrive; and Mr. *McEvers* having resigned, lieutenant governor *Colden* takes them into *Fort George*. Some extraordinary preparations for securing them having displeased the inhabitants, joined to the dislike they have entertained to *Colden's* political sentiments, and its being the day for the stamp-act to take place, numbers are induced to assemble

Nov.
1.

assemble in the evening. They proceed to the fort walls; break open his stable; take out his coach; and, after carrying it through the principal streets of the city in triumph, march to the common, where a gallows is erected; on one end of which they suspend his effigy, having in his right hand a stamped bill of lading, and, on the other, a figure for the devil. After hanging a considerable time, they carry the whole, with the gallows entire, the coach preceding, in procession to the gate of the fort; from whence it is removed to the bowling-green, under the muzzles of the guns; where a bonfire is immediately made, and all, coach included, are consumed amid the exultations of some thousands of spectators. They go from hence to major *James's* house, before known by the name of *Vaux-ball*, which is genteely furnished; contains a valuable library and many curiosities, and has a handsome garden belonging to it. They strip it of every article, make another bonfire, and consume the whole, beside destroying the garden; and all because of his being a friend to the stamp-act.

The next morning a paper is privately drawn up, and ^{Nov.} given to a man to read from the balcony of the coffee-house, to and about which the citizens are used to frequent: it sets forth the necessity of being peaceable, and calls upon the inhabitants to turn out with their arms upon any alarm, and quell all riotous proceedings. The effect it appears to have upon being heard, is frustrated by captain *Isaac Sears*, who formerly commanded a privateer, and is bitterly set against the stamp-act. Having been secretly informed in the morning what is to be done, he is present, and tells the populace, who collect about him, "The intention of the proposal that has been

been read, is to prevent our having the stamp papers;" and adds, "but we will have them within four and twenty hours." He then flourishes his hat, and cries, "Huzza, my lads." They immediately comply in loud shouts. He turns to several gentlemen present, and says, "Your best way, as you may now see, will be to advise lieutenant governor *Colden* to send the stamp papers from the fort to the inhabitants." In the evening the mob assemble, and insist upon his delivering them into their hands. He hopes to satisfy them, by declaring he will do nothing in relation to the stamps, but leave it to Sir Henry Moore to do as he pleases on his arrival. The people are not contented; they will have the stamps, or attempt taking them away by force; which must probably be attended with much bloodshed. After repeated negotiation, it is agreed, that they shall be delivered to the corporation; which is accordingly done, and they are deposited in the city hall, to general satisfaction. Ten boxes of the like, which arrive afterward, meet with a worse fate, being committed to the flames.

The destruction of major *James's* house, (for it was reduced to a shell) convinced the gentlemen, who were standing up for the rights of the colonies, that it was necessary to have leaders to manage the mob. It was therefore contrived to call the people together.

Nov. 6. They met in the fields; and it was proposed, that a committee be appointed to open a correspondence with the other colonies. This was a measure of so serious and important a nature, as to endanger the property and lives of the committee, especially should the stamp-act be enforced and carried through; and therefore there was no one, for more than half an hour, who would

venture

venture to accept. Mr. *James De Lancey*, who had joined the popular side, in order to secure a seat in the assembly at the next general election, was nominated; but declined, pleading his being upon the committee to converse with the lawyers, on their proceeding to business without stamps, instead of suspending it, as they appeared to intend. At length, however, captain *Sears* with four others offered, and were approved.

They agreed among themselves to sign all the letters with their several names, and to open a correspondence with all the colonies. The *Philadelphians* were requested to forward their enclosed letters to the more southern states, and the *Bostonians* to forward those for *New Hampshire*.

Here we see another set of corresponding sons of liberty originated, to strengthen the opposition of the colonies to parliamentary taxation.

The commotions beyond *New York* did not terminate in similar excesses to what had happened there, at *Newport*, and *Boston*; but the exhibition of effigies in the day, the burning them at night, and other marks of displeasure, induced the stamp officers to resign. Some did it with a better grace than others. Mr. *George Mercer*, distributor for *Virginia*, arrived in the evening at *Williamsburgh*. The people immediately urged him to resign. The next day he declined acting, in so genteel a manner, that he had the repeated acclamations of all present. At night the town was illuminated, the bells were set a ringing, and all was joy and festivity.

At *Philadelphia*, upon the appearance of the ships, Oct. having on board the stamps, all the vessels in the harbour hoisted their colours half staff high; the bells were muffled

muffled and continued to toll till evening; and every countenance added to the marks of sincere mourning. A large number of people, chiefly of the presbyterian persuasion, and of the proprietary party, with *William Allen* esq; the chief justice's son at their head, assembled and endeavoured to procure the stamp distributor's resignation. It had been for some time warmly talked of, that he ought to resign. Mr. *Hughes* was obnoxious to both the presbyterian and the proprietary party; but particularly hateful to the latter, as it was his *interest, assiduity and influence*, in the *Pennsylvania* house of assembly, that enabled the province to send home Dr. *Franklin* to present their petitions, for a change of government from proprietary to royal—a change highly disagreeable to each party. The body of quakers seemed disposed to pay obedience to the stamp-act, and so did part of the church of *England*, and of the baptists not under proprietary influence. But no pains were spared to engage the *Dutch* and lower class of people in the opposition; and though Mr. *Hughes* held out long*, yet he found it necessary at length to comply.

Mr. *Hood*, stamp distributor for *Maryland*, that he might avoid resigning, fled to *New York*, and obtained protection in the fort. Upon Sir *Henry Moore's* arrival he left the fort, and went to *Long Island*. A number of the freemen crossed over unexpectedly; surprised him; obliged him to sign a paper, declaring his absolute and final resignation; and then took him before a magistrate, to whom he read the paper, and afterward made oath to the matter therein contained.

* Mr. *Hughes's* letters of October and November 1765.

At *Boston* they took care to keep up the spirit of liberty, though they avoided former violences. A new political paper appeared under the significant title of "The Constitutional Courant, containing matters interesting to liberty, and no ways repugnant to loyalty; printed by Andrew Marvel, at the sign of the *Bribe refused*, on Constitution Hill, North America." It wore a more significant head piece—a snake cut into eight pieces, the head part having NE the initials of *New England* affixed to it, and the rest the initials of the other colonies to *South Carolina* inclusively, and in order, NY, NJ, P, M, V, NC, SC. The device accompanying them was IOIN or DIE.

The morning of the day when the stamp-act took place, was ushered in with the tolling of bells. The large old elm (which since the fourteenth of August, when the riots began, had been adorned with an inscription, and obtained the name of *liberty tree*, as the ground under it had that of *liberty hall*; and which gave rise to other trees being so called, upon an appropriation to popular purposes by the sons of liberty) was decorated with two effigies. They were cut down at three o'clock, amid the acclamations of thousands; carried about town; then to the gallows upon the Neck; there hung up again; after a while cut down; torn in pieces and scattered. The people repaired home; and the evening passed away quietly. But a transaction took place afterward, not much to the credit of the town.

Mr. *Oliver* was called upon by a letter from (as it Dec. was improperly signed) *the true sons of liberty*, to make a public resignation of his office on the morrow, under liberty tree. He desired a gentleman to interpose, and procure

procure him at least leave to resign at the town-house but after several consultations, nothing more could be obtained than a promise of having no affront offered and a proposal to invite the principal persons of the town to accompany him. He was obliged to repair to the liberty tree; there to read his declaration in the presence of more than two thousand people; and then to swear to it before a justice, on the spot for that purpose. The cool, firm, and judicious sons of liberty, must condemn this procedure toward the secretary, as mean, revengeful, and cruel. It was torturing his feelings afresh, as upon a stage, in the most conspicuous manner, after having been terrified into a resignation four months before; and when it might be expected, that the bitterness of the resentment against him was ended.

The opposition to the stamp officers was not confined to the continent. The people of *St. Kitts* obliged the distributor and his deputy to resign. *Barbadoes* submitted to the act. *Jamaica* in general cleared out with stamps; but *Kingston*, as before, without. Upon the continent, *Canada* and *Halifax* submitted.

The general fear that individuals were under, either of distributing or using stamps, was increased in one government by the following paper, pasted up at the door of every public office, and at the corner of the streets—

Pro Patria.

The first man that either distributes or makes use of stamped paper, let him take care of his house, person, and effects.

We dare

Vox Populi.

The

The public resentment was kept alive and lively by the contemptuous treatment which the stamp-act itself met with, being openly burnt in several places with the effigies of the officers; and by caricatures, pasquinades, puns, bon mots, and such vulgar sayings fitted to the occasion, as by being short, could be most easily circulated and retained, while, being extremely expressive, they carried with them the weight of a great many arguments.

The resignation of the officers, and the want of persons, either to undertake the delivery of stamps, or to receive and use them, necessarily laid the colonists under a legal inability for doing business, according to parliamentary law. They however ventured upon it, and risked the consequence. The vessels sailed from the ports as before; excepting that, in some instances, a certificate was given that the person appointed to distribute stamp'd papers in the province, refused to deliver them, which certificate being handed by the masters to the naval officer, they were admitted to give bond in his office, and to pass through the other offices without stamps. The *Rhode Island* and *Providence* Plantations kept their courts open the whole time, even when they were suspended in the other colonies. Toward the end of November, it was agreed in *Maryland* and *Virginia* to proceed on business in the usual manner without stamps. In the *Massachusetts* the popular party so far prevailed, that the house of assembly resolved, January the twenty-third 1766, "That the shutting up the courts of justice is a very great grievance; and that the judges, justices, and all other public officers in this province ought to proceed as usual." But when the superior

rior court opened, on the eleventh of March, the parties concerned evaded the prosecuting of business. The lawyers in a body waited, as usual, upon the judges, on the first day of the term, before they went into the court. The chief justice, Mr. Hutchinson, not being present at this meeting, Mr. Peter Oliver said he attended according to his duty, and that he understood it would be expected that he and his brethren should proceed in business in defiance of the late act of parliament: such proceeding, he added, was contrary to his judgment and opinion; and if he submitted to it, it would be only for self-preservation, as he knew he was in the hands of the populace: he therefore previously protested, that all such acts of his, if they should happen, would be acts under duress. To which the other judges assenting, it was proposed to each of the lawyers singly, *Do you desire that business should proceed contrary to the act of parliament?* Every one of them answered in the negative, even Mr. Otis himself. But they said, it would be proper to try a cause or two to quiet the people: accordingly one cause, which had been at issue before the stamp-act took place, was tried, and all other civil business was postponed to the middle of April.

Though the violent and riotous proceedings, which have been noticed, were severely censured by many; and numbers in all the colonies, might seem inclined to submit to the stamp-act, yet the right of imposing it was universally condemned, and the colonial rights as universally acceded to by the most peaceably disposed. The resolutions of the *Pennsylvania* assembly, which met at *Philadelphia* in September 1765, were passed *nemine contradicente*; and left upon their minutes, “as a testimony of

1765.
Sept.

of the zeal and ardent desire of that house, to preserve their inestimable rights, which as *Englishmen* they possessed ever since the province was settled, and to transmit them to their latest posterity." They "resolved, That the only legal representatives of the inhabitants of this province, are the persons they annually elect to serve as members of assembly—Resolved therefore, That the taxation of the people of this province by any other persons whatsoever, than such their representatives in assembly, is unconstitutional, and subversive of their most valuable rights—Resolved, That the laying of taxes upon the inhabitants of this province, in any other manner, being naturally subversive of public liberty, must, of necessary consequence, be utterly destructive of public happiness*." There might not be so many quakers in the house as usual; the times probably occasioned a larger choice out of other denominations; but there must have been several, and these we find acquiesced. These resolutions are as much opposed to the claims of the British parliament, as are those of the *Massachusetts* assembly, passed October the twenty-ninth. Indeed the latter dwell more upon the unalienable essential rights of mankind, of which these cannot be divested, consistent with the law of God and nature, by any law of society; and they evidently mark it out, in their opinion, as one of those rights, that no man can justly take the property of another without his consent. They also resolved, that a representation in parliament of the inhabitants of their province, such as the subjects in Britain actually enjoy, is impracticable for the subjects in America†.

* See the Gentleman's Magazine, Vol. XXXV. p. 538. † Ibid. Vol. XXXVI. p. 94.

But both assemblies, though their expressions differed agreed in resolving, that the extensions of the court of admiralty within the provinces, is a most violent infringement of the right of trials by juries. The resolve of the *Maryland* and *Connecticut* assemblies, passed, the one September the twenty-eighth, and the other November the first, breathed the same spirit *.

But we have now to attend to a judicious measure pursued by the *New York* merchants, the more effectually to obtain a repeal of the stamp-act. They resolve to direct their correspondents not to ship any more goods till it was repealed; and that they would not sell any goods upon commission, which should be shipped from Britain, after the first of January, unless upon that condition. They were the foremost in adopting the non-importation agreement; and recommended the like conduct to the *Massachusetts* and the neighbouring provinces in trade.

Nov. The merchants and traders of *Philadelphia* had
7th a general meeting, and entered into a similar agreement. Some quakers, who would not sign the combination, thought it prudent to be governed by the same restriction; and gave directions that the goods ordered should not be sent, unless the stamp-act was repealed.

Dec. It was not till December the ninth that the merchants
9th and traders of *Boston* resolved upon a non-importation. Government may deem such combinations illegal, as they are apt to do all that are opposed to their own measures; but surely the case of communities is bad indeed if they have not a right voluntarily to agree among

* Gentleman's Magazine, Vol. XXXVI. p. 94 and 95.

themselves, merely to suspend buying till they can obtain their own terms, when equitable.

The peaceable line pursued in these agreements, had not been attended to by all who opposed the stamp-act. They therefore, for their own safety, had a recourse to another, which might have drenched the country with blood, had not the repeal prevented. The way had been prepared by the publication of a system of politics, which appeared originally in the New York papers, the principal point of which was, that the colonies are no otherwise related to Great Britain but by having the same king. The essays meant to propagate and support this system made their first appearance in the New York prints, but most probably some of the manuscripts were sent from Boston. The New York sons of liberty held, at length, a meeting, wherein they resolved, that they would go to the extremity with lives and fortunes to prevent the stamp-act. This spirit produced the following agreement between them and the sons of liberty of Connecticut.

“ Certain reciprocal and mutual agreements, concessions and associations made, concluded and agreed upon ^{Dec.} 25,

and between the sons of liberty of the colony of New York of the one part, and the sons of liberty of the colony of Connecticut on the other part, this twenty-fifth day of December, in the sixth year of the reign of our Sovereign Lord George the Third, by the grace of God, of Great Britain, France and Ireland king, defender of the faith, and in the year of our Lord one thousand seven hundred and sixty-five.

The aforesaid parties taking into their most serious consideration the melancholy and unsettled state of Great

Britain and her *North American colonies*, proceeding as they are fully persuaded, from a design in her most insidious and inveterate enemies, to alienate the affection of his majesty's most loyal and faithful subjects of *North America* from his person and government—Therefore to prevent as much as in us lies the dissolution of so inestimable an union, they do, in the presence of *Almighty God*, declare that they bear the most unshaken faith and true allegiance to his majesty King *George* the Third—that they are most affectionately and zealously attached to his royal person and family, and are fully determined to the utmost of their power, to maintain and support his crown and dignity, and the succession as by law established; and with the greatest cheerfulness they submit to his government, according to the known and just principles of the *BRITISH CONSTITUTION*, which they conceive to be founded on the eternal and immutable principles of justice and equity, and that every attempt to violate or wrest it, or any part of it from them, under whatever pretence, colour or authority, is an heinous sin against God, and the most daring contempt of the people, from whom (under God) all just government springs. From a sacred regard to all which, and a just sense of the impending evils that might befall them, consequence of such a dreadful dissolution, They do hereby voluntarily, and of their own free will, as well for the support of his majesty's just prerogative and the *British* constitution as their own mutual security and preservation, agree and concede to associate, advise, protect, and defend each other in the peaceable, full and just enjoyment of their inherent and accustomed rights as *British* subjects of their respective *colonies*, not in the

cast desiring any alteration or innovation in the grand bulwark of their liberties and the wisdom of ages, but only to preserve it inviolate from the corrupt hands of its implacable enemies—And whereas a certain pamphlet has appeared in America in the form of an act of parliament, called and known by the name of the *Stamp-act*, but has never been legally published or introduced; neither can it, as it would immediately deprive them of the most invaluable part of the British constitution, viz. the trial by juries, and the most just mode of taxation in the world, that is, of taxing themselves, rights that every British subject becomes heir to as soon as born. For the preservation of which, and every part of the British constitution, they do reciprocally resolve and determine to march with the utmost dispatch, at their own proper costs and expence, on the first proper notice, which must be signified to them by at least six of the (sons of liberty) with their whole force if required, and it can be spared, to the relief of those that shall, are, or may be in danger from the *stamp-act*, or its promoters and abettors, or any thing relative to it; on account of any thing that may have been done in opposition to its obtaining—And they do mutually and most fervently recommend it to each other to be vigilant in watching all those who, from the nature of their offices, vocations or dispositions, may be the most likely to introduce the use of stamped papers, to the total subversion of the British constitution and American liberty; and the same, when discovered, immediately to advise each other of, let them be of what rank or condition soever; and they do agree, that they will mutually, and to the utmost of their power, by all just ways and means, endeavour to

bring all such betrayers of their country to the most condign punishment—And further, they do mutually resolve to defend the liberty of the press in their respective colonies from all unlawful violations and impediments whatever, on account of the said act, as the only means (under divine Providence) of preserving their lives, liberties and fortunes, and the same in regard to the judges, clerks, attornies, &c. that shall proceed without any regard to the *stamp-act*, from all pains, fines, mulcts, penalties, or any molestation whatever—And finally, that they will, to the utmost of their power, endeavour to bring about, accomplish, and perfect the like *association* with all the *colonies* on the continent for the like salutary purposes and no other.”

The opposition to the stamp-act raged apparently more in New York and Connecticut than in the Massachusetts; but the association being agreed upon, was sent by express to the sons of liberty at *Boston*, and received Sunday the second of February 1766. On its receipt, letters were forwarded to a few individuals; and on the Feb. sixth of February, a circular letter to the several towns 6. in the colony, containing the association, and the desire of the first original associators to accomplish the like association, with a request to be informed of the sentiments and dispositions of the people in such towns. A letter was also sent on the same subject, to the sons of liberty at *Portsmouth* in *Hampshire* colony. They met; and in their answer of February the eighth, testified their approbation of the measure already taken, and their determination to oppose the execution of the stamp-act, &c.

The

The *Boston* sons of liberty accepted the proposal of uniting themselves to *New York* and *Connecticut*; and in their letter to the brotherhood at *Norwich*, proposed to commence a continental union, of which the latter greatly approved in their answer of February the tenth.

On February the thirteenth, the sons of liberty at *Bos-* 13.
ton wrote a circular letter to *New Hampshire*, *Connecticut* and *New York*; and before the month was ended, the *New Yorkers* sent circular letters as far as *South Carolina*, urging a continental union.

Most of the towns in the *Massachusetts*, having been applied to, signified "their determination to march with their whole force to the support of the British constitution, and consequently the relief of those that shall or may be in any danger from the stamp-act or its abettors."

It is not to be supposed, that the disorderly proceedings, above related, were chargeable solely on the dregs of the colonies. The sons of liberty at *New York*, who held regular meetings, were said to be directed by much greater persons than any that appeared among them. The mobs consisted not of mere rabble; but were composed much of independent freemen and freeholders, so that some of the first people in the provinces were intimidated, and left the cause of the parliament without proper support. Merchants, assemblymen, magistrates, &c. united directly or indirectly in the riots, and without their influence and instigation the lower class of inhabitants would have been quiet; but great pains were taken to rouse them into action. At *Boston* such was the protection and countenance given to the rioters, that some of the principal ringleaders walked the streets

with impunity, no officer daring to attack them, no attorney general to prosecute them, no witness to appear against them, and no judge to sit upon them. But when the enormities are said to have originated from the Presbyterians and Congregationalists, the charge must be imputed to malevolence, or to gross ignorance, or a mixture of both. The gentlemen on the side of government, who were upon the spot, in their letters written at the time, placed them to the account of the *Virginia* resolves. Mr. *Hutchinson* tells his correspondent "Nothing extravagant appeared in the papers till an account was received of the *Virginia* resolves." Mr. *Hughes* writes, "the fire began in *Virginia*:" governor *Bernard*, "the publishing the *Virginia* resolutions proved an alarm bell to the disaffected:" another, in his letter to Mr. Secretary *Conway*, from *New York*, "the resolve of the assembly of *Virginia* gave the signal for a general outcry over the continent." The *Virginians* are episcopalians; and if there is either blame or merit, in exciting that fixed and spirited opposition to the stamp-act, which followed upon their resolves, let them be credited for the same: to them belongs the honor or disgrace; and solely to particular colonies the disgrace of the several enormities committed in them. The bulk of the people at *Boston* are congregationalists; at *New York*, the presbyterians, including the Dutch and foreign societies, may possibly be fully equal to, or even exceed the episcopalians. At *Newport* all denominations are equally encouraged, and enjoy no ascendancy over each other and therefore might be equally concerned, the peaceable quakers excepted. At *New York* the most violent actors were episcopalians; at *Boston*, congregationalists, though

though here they were joined by a number of episcopals, and there by a number of presbyterians.

People in *Britain* were differently affected by the disturbances in the colonies. This party was for supporting the authority of parliament at all adventures, and for enforcing the stamp-act, if needful, with the point of the sword; that for quieting the colonies by the repeal of it. Happy for them, Mr. *Grenville* and his party had thrown themselves out of place on a difference as to the regency bill; so that the marquis of *Rockingham* and others in opposition, who were better inclined to the Americans, came into office. The marquis and his friends did not come to a resolution directly to repeal the act. The main lines of their own plan were not marked out, nor the repeal determined upon, until a little before the meeting of parliament. But the choice of the measure, and of the principle to proceed upon was made before the session. The papers relative to American affairs were produced to the house of commons: and it was a kind of plan on all sides, to maintain the authority of parliament, and by that very authority to give the colonies every relief the nature of the case required. But the great commoner Mr. *Pitt*, who neither communicated, nor connected himself with any one, came to the house and declared, that parliament had *no right* to tax the colonies; and said also, *I am glad America has resisted*. He hereby deranged matters; threw the opposition into a rage; and reduced the ministry to a necessity of accompanying the repeal, with the declaratory bill, expressive of the right of parliament to *bind* the colonies *in all cases whatever*.

Mr.

1766. Mr. *Grenville* moved, that the stamp-act should be enforced, and was supported by 134, but opposed by 274. The merchants and manufacturers joined their efforts with ministry to obtain a repeal. They were alarmed at the non-importation agreement, and the confusions which existed, as being necessarily prejudicial to their own interests, and tending to the destruction of commerce. The ministry did not fail to encourage petitions, complaining of hardships brought on by the great decay of trade to the American colonies; and also instructions to members from the trading and manufacturing towns. The petition of congress was not admitted: the members not being called together by the authority of the crown, though a futile was yet a prevailing argument against its admission. But the repeal was grounded on the other petitions; and after a six weeks inquiry into *American* affairs, was moved for, with the greatest propriety, by general *Conway*, the secretary, who had opposed the stamp-bill at the second reading, and denied the right of parliament to tax the Americans. The debate, which ensued, was warm, interesting and long. But, by three o'clock in the morning, "the house, by an independent noble spirited and unexpected majority, in the teeth of all the old mercenary *Swiss* of the state, in despite of all the speculators and augurs of political events, in defiance of the whole embattled legion of veteran pensioners and practised instruments of court, gave a total repeal to the stamp-act, and (if the scheme of taxing the colonies had been totally abandoned) a lasting peace to the whole empire*." The motion was carried by 275, against 167. The cyder counties

* Mr. Edmund Burke's speech, April 19, 1774.

supported it; for they expected a repeal of the duty on cyder; and obtained it in April. It has been said, that had not the ministry bartered the stamp-act against the repeal of the cyder duty, they would not have succeeded *. This however must be a false charge, if the former marked paragraph is strictly true. During the debate, "the trading interest of the empire, crammed into the lobbies of the house of commons, with a trembling and anxious expectation, and waited, almost to a winter's return of light, their fate from the resolution of the house. When, at length, that had determined in their favor, and the doors thrown open, showed them the figure of their deliverer, in the well earned triumph of his important victory, from the whole of that grave multitude there arose an involuntary burst of gratitude and transport. They jumped upon him, like children on a long absent father. They clung about him as captives about their redeemer. All *England* joined in his applause. Nor did he seem insensible to the best of all earthly rewards, the love and admiration of his fellow citizens. *Hope elevated and joy brightened his crest* †."

The ministry had certainly great difficulties to encounter: the principal originated in the colonies, and were caused by the intemperate proceedings of the various ranks of men within them. "Their violence awakened the honor of parliament, especially after Mr. *Pitt's* speech, and thereby involved every friend of the repeal into the imputation of betraying its dignity. This is so true, that the act could not have been repealed, had not men's minds been in some measure sa-

* Political Memoirs, printed 1783.

† Mr. Burke's speech.
tified

tified with the *declaration of right* *." All the *Scottish* members, save two, voted against the repeal. Mr Bolla, who informed lieutenant governor Hutchinson of it by letter, omitted mentioning the names of the gentlemen.

The bill having passed the house of commons, went up to the house of lords. Lords *Bute* and *Strange* publicly declared, that his majesty's wish was not for a repeal. The marquis of *Rockingham* and Lord *Shelburne* went together to the king, and told what was reported. They were informed, that his majesty had expressed his desire that it should be enforced; but if it could not be done peaceably and without bloodshed, it was his sincere desire and intention, that it should be totally repealed. The dukes of York and Cumberland, the lords of the bed-chamber, and the officers of the household, were for carrying fire and sword to America. Most of the bench of bishops joined them. Instead of ascribing that to a sanguinary disposition, to which their profession was opposed; let it be imputed to the painful prospect of being hindered eventually, from establishing the English hierarchy within the American colonies. There were in the house of lords, proxies included, for the repeal 105, against it 71.

Mar. 19. On Wednesday, March the nineteenth, his majesty went to the house of peers, and passed the bill for repealing the American stamp-act; as also that for securing the dependency of the colonies on the British crown. On this occasion the American merchants

* The London merchants letter to John Hancock esq; and others, dated February 28.

made a most numerous appearance, to express their gratitude and joy; ships in the river displayed their colours; houses at night were illuminated all over the city, and every decent and orderly method was observed, to demonstrate the just sense they entertained of his majesty's goodness, and the wisdom of parliament, in conciliating the minds of the people on this critical occasion. An express was dispatched immediately to Falmouth, with letters to the different provinces, acquainting them with the news of the repeal; that so their fears might vanish, and give place to joy and exultation.

L E T T E R IV.

Roxbury, April 14, 1773.

MR. Samuel Adams's name will occur frequently in the course of our correspondence; be it noted ^{1755,} therefore, that the first time of his being returned for ^{Sept.} Boston, and serving as a representative, was upon an ^{27.} election occasioned by the death of *Oxenbridge Thacher* esq. The deceased belonged to the band of patriots; but when he happened to think differently from Mr. Otis jun. in the house of assembly, the latter treated him in so overbearing and indecent a manner, that he was obliged at times to call upon the speaker to interpose and protect him. The state of affairs required a particular

ticular attention to the political sentiments of the person who should be chosen. The inhabitants, in fixing upon Mr. S. Adams, made choice of a member, who was zealously attached to the rights of the Massachusetts in particular, and the colonies in general; and but little to his own personal interests. He was well qualified to second Mr. Otis, and learned in time to serve his own public views by the influence of the other. He was soon noticed by the house, chosen, and continued their clerk from year to year; by which means he had the custody of their papers; and of these he knew how to make an advantage for political purposes. He was frequently upon important committees, and acquired great ascendancy, by discovering a readiness to acquiesce in the proposals and amendments of others, while the end aimed at by them, did not eventually frustrate his leading designs. He showed a pliability and complaisance in these smaller matters, which enabled him in the issue to carry those of much greater consequence; and there were many favorite points, which the sons of liberty in the *Massachusetts* meant to carry, even though the stamp-act should be repealed.

1766. Mr. Pitt's declaration against the parliament's right to impose *internal taxes*, and his saying *I am glad America has resisted*, were seized with eagerness by the popular leaders in the colonies. They praised and idolized him for the same, without regarding what he had declared, in favor of the authority of parliament in all cases of *external taxation*, and for enforcing all laws for that purpose; and notwithstanding his having said, "If obedience be refused, I would not suffer a horse-nail to be made in the plantations." Their spirits were elated,

and they took encouragement from his declaration, to fortify themselves in their own sentiments upon American liberty.

It is impossible to express or describe the extraordinary joy, with which the body of the Americans received the news of the repeal, though the power of the vice-admiralty courts remained unabridged, and the declaratory act was added. The latter was considered by some, as passed merely to save appearances, while condemned by others, whose wisdom would have been more evident, had they repressed their contempt, whatever was their opinion. In regard to the former, "the judges of the vice-admiralty courts in the colonies had had assigned them, by acts of parliament, a jurisdiction for the recovery of penalties upon the laws of revenue and trade, without juries for near a century past*." Had a prudent and moderate temper taken possession of all parties at this period, it had been happy; but they were so much heated in some colonies, as to be determined upon opposing each other.

When the choice of members for *Boston*, to represent the town in the next general court, was approaching, Mr. *John Rowe*, a merchant, who had been active on the side of liberty, in matters of trade, was thought of by some influential persons. Mr. *Samuel Adams* artfully nominated a different one, by asking with his eyes looking to Mr. *Hancock's* house, "Is there not another *John*, that may do better?" The hint took. Mr. *John Hancock's* uncle was dead, and had left him a very considerable fortune. Mr. *Samuel Adams* judged, that the fortune would give credit and support to the cause of

* The lords protest against the repeal of the stamp-act.

liberty;

liberty; that popularity would please the possessor; and that he might be easily secured by prudent management, and might make a conspicuous figure in the band of patriots.

Messrs. *James Otis jun.* *Thomas Cushing*, *Samuel Adams*, and *John Hancock*, (who had never been of the house before) were returned for *Boston*. The town of *Plymouth* made choice also of a new representative, the high sheriff of the county, *James Warren* esq; a gentleman of real abilities, and who espoused the side of liberty upon principle. The government wished to have him on their side, and played off both threats and promises: however he was immoveable.

May 28. The general court met according to charter. The house of assembly chose Mr. *Otis* speaker. Governor *Bernard* negatived, instead of adopting the conciliating measure of accepting him. The acceptance might have softened and induced him to have dropped the plan of leaving out of the council, in the new election, the crown officers and justices of the superior court; but the refusal confirmed him in it, and by irritating the house enabled him to execute it the more easily. The crown officers were the lieutenant governor and secretary, Messrs. *Hutchinson* and *Oliver*; the others held only provincial commissions. The opposition assigned as the reason for leaving them out, that they might redress a grievance long complained of by their constituents, a dangerous union of legislative and executive powers in the same persons. But the true ones probably were, the suspicions and dislike they entertained of and to their political sentiments, and Mr. *Otis's* having been negatived. Mr. *Bernard* retaliated, and excepted against the

x counsellors chosen in the room of the others. Thus the animosity was increased. Had he negatived two or three only, there might have been an opening for healing the breach; but now it was otherwise. The liberty party gained strength, and it was ordered by the June Assembly, "That the debates of this house be open,¹² and that a gallery be erected for the accommodation of such as shall be inclined to attend them." A gallery was prepared with the utmost expedition, and finished in a few days. It was viewed as a great acquisition to the common cause; and certainly served a double purpose. The admission of the people at large, to hear the debates, and to watch the members, restrained some from speaking with their usual freedom in support of governmental measures; and encouraged others to indulge themselves in all that animated language, and those solemn protestations of disinterested zeal for the rights and privileges of their country, which are so striking with men of honest minds and plain understandings. But you are not to suppose that these protestations were always true on this side of the Atlantic, any more than on yours. Many joined the banners of liberty, and violently opposed the governor and governmental measures, because of the restraints they were under from the laws of trade, the danger they were in of suffering by them, and his persisting to give these laws all the support in his power. The opposition had great advantage in the political contest, by branding all the supporters of government as friends to the stamp-act, though they knew to the contrary. Both sides were sensible that the act was merely financial,

without any regard to the political state of America, or any purpose to remove one of its difficulties.

19. The house were unanimous in voting, that thanks should be returned to the duke of *Grafton* and other noblemen, to Mr. *Pitt* and other gentlemen, who had been active and aiding in the repeal of the stamp-act. However, when his majesty's recommendation to make up the losses of the sufferers in the late unhappy times, came before them from the governor with these words, "The justice and humanity of this requisition is so forcible, that it cannot be controverted; the authority with which it is introduced, should preclude all disputation about complying with it;" they objected to the manner in which it was proposed, as being "derogatory to the honor of the house, and in breach of the privileges thereof," and unreasonably declined making compensation; whereas their privileges might have been preserved uninjured, by a vote to relieve the sufferers upon their own application, out of dutiful respect to the mild representation of his majesty, and out of humanity and generosity to the sufferers.

When a compensation was first talked of, it was the general opinion, that it ought to be made, but that it was due from Boston only, and not the province in general. This thought probably determined the Boston members to oppose making the compensation even out of the treasury; a way in which it might have been done, had they and their friends joined the friends of government. But had the money been ordered out of the treasury, a subsequent motion might have charged it upon Boston, which as the tax bill was to be passed at that time, would have been easily effected. The interest

of the town induced its members to employ every circumstance to prevent the compensation's being voted at present. After a while repeated advices were received, that the honor of parliament was engaged to see the compensation made, and that they would certainly take it in hand, if the provincial assembly refused. It was obvious, that the parliament could enforce payment from a sea-port. The people of Boston grew uneasy, that the money was not paid. A town-meeting was called: the abovementioned expedient was proposed and approved of, and their representatives were directed to use their influence, that compensation might be granted upon those principles, and the money be paid out of the treasury.

Mr. *Hutchinson* and the other sufferers petitioned for Sept. relief *. Their petitions were considered; and on the question being put, "Whether shall compensation be made out of the province treasury?" it passed in the negative. A bill however, was finally admitted for making compensation, which was to be transmitted to the several towns, for the sentiments of the constituents.

It passed to be engrossed, yeas 53, nays 35; but not Dec. without the house's resolving, "That it is under a full persuasion, that the sufferers have no just claim or demand on the province."—A needless resolve, tending to excite disgust in many, without answering any important purpose. The act granted compensation to the sufferers; and a free and general pardon, indemnity and oblivion to the offenders in the late times. It was disallowed at home, on account of the assembly's having

* Mr. *Hutchinson's* loss was 2396l. 3s. 1d $\frac{1}{2}$. Mr. *Oliver's* 129l. 3s. Mr. *Hallowell's* 289l. 0. 1 $\frac{1}{2}$ d. Mr. *Story's*, 50l. 11s. 6 $\frac{1}{2}$ d, all sterling.

incorporated an act of pardon with an act of compensation, without having obtained his majesty's previous consent to such act of pardon. The sufferers however received the compensation, and the offenders were not prosecuted.

Nov. 7. In *Virginia* a bill passed the house of burgesses, for erecting a statue to his majesty, as an acknowledgment for repealing the stamp-act, and also an obelisk to commemorate those worthy patriots who distinguished themselves in bringing about that happy event. And a

Dec. *New York*, an act was passed for making restitution to the several persons therein named, for losses sustained in the late commotions. But when the assembly was applied to, for carrying into execution the act of parliament of the preceding year, for quartering his majesty's troops, they said in their address to the governor Sir *Henry Moore*, "According to the construction put on it here, it is required, that all the forces, which shall at any time enter this colony, shall be quartered during the whole year, in a very unusual and expensive manner: by marching several regiments into this colony this expence would become ruinous and insupportable and therefore we cannot, consistent with our duty to our constituents, put it in the power of any person (whatsoever confidence we may have of his prudence and integrity) to lay such a burden on them:" and so justified their declining to provide for the troops.

Before closing the account of 1766, be it observed that the people of *Connecticut* failed not to show the resentment against their late governor's having qualified agreeable to what the stamp-act enjoined. There was a meeting of gentlemen at *Hartford*, for concerting

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an for the choice of a new governor and counsellors, in the room of those, who with him had taken the oath required. Matters were so managed at this meeting, that when the election came on, Mr. *Pitkin* was chosen governor, and colonel *Trumbull*, deputy governor. But the episcopalians, almost to a man, voted for Mr. *Fitch*; and by thus making a party with administration, against the claims and rights of their colony, rendered themselves obnoxious.

The *Massachusetts's* house of assembly continued their opposition to the lieutenant governor, Mr. *Hutchinson*,^{1767. Jan. 31.} and resolved, "That he not being elected a counsellor, as by the charter, no right to a seat at the council board, with or without a voice, while the commander in chief is in the province." March the fifth the council determined the same; but in their message to the house, expressed their surprise at what had been done without them, and at its not being mentioned to the board till February the twenty-fourth. Mr. *Hutchinson* afterward did not attempt to be present. Lord Shelburne, in answer to what was transmitted to him, by the governor upon the affair, wrote in September "the admission of the lieutenant governor lies after all in the breast of the council only, as being the proper judges of their own privileges, and as having a right to determine whom they will admit to be present at their deliberations." These proceedings of the *Massachusetts's* and *New York* assemblies, thought to be, in name at least, two of the most considerable in the colonies, were ascribed to an unreasonable perverseness of temper; and exasperated the friends of America, by exposing them, however unjustly, to the imputation of sacrificing the

interests of Great Britain to those of America. They also encouraged the Anti-Americans to resume the plan of taxing the colonies; and Mr. *Charles Townsend* pawned his credit to them, for effecting it, and became chancellor of the Exchequer. But, three of the ministry opposed in the council, taxing the Americans afresh; and it would have been a blessing had their opinion prevailed.

May
13.

The chancellor of the Exchequer moved for leave to bring in bills, for granting a duty upon paper, glass, painters colours, &c. in the British American colonies; for settling salaries on the governors, judges, &c. in North America; and for taking off the duty on teas exported to America, and granting a duty of three-pence a pound on the importation in America. Two bills were at length framed, the one for granting duties in the British colonies in America, on paper, glass, painters colours, tea, &c. the other for taking off the duty of a shilling a pound on all black and Singlo tea, and for granting a drawback on teas exported to Ireland and America. The first received the royal assent June the twenty-ninth; the last July the second. The preamble to the first act expresses, that the duties are laid, "for the better support of government, and the administration of the colonies." The colonists deemed it unnecessary, unjust, and dangerous to their most important rights. There is a clause in it, enabling the crown, by sign manual, to establish a *general civil list*, throughout every province in *North America*, to any indefinite extent, with any salaries pensions or appointments, to any unlimited amount, even to the produce of the last farthing of the American revenue. The point was now carried,

carried, which had been the object of every minister since the reign of Charles II. viz. *the establishment of a civil list in America independent of the assemblies.* Mr. Richard Jackson spoke in the house of commons against that part of the bill, and was supported only by Mr. Burke, and no other member. He was convinced, that though the judges ought to be independent, both of crown and people, yet mischiefs might arise from the independency of governors on the people, much greater than could arise from their dependence; and that it was not fit, that such persons as governors usually are, should be independent of the people, and dependent upon the crown for their governments. The act provides, that, after all such ministerial warrants under the sign manual, as *are thought proper and necessary*, shall be satisfied, the residue of the revenue shall be at the disposal of the parliament. But who can suppose, that such warrants will ever be satisfied, till ministers have provided for all their friends and favorites? May it not be said upon the plan of this act, "the mockery of an American revenue proves at last to be the crumbs that fall from the minister's table—the residue indeed, of a royal warrant, countersigned by the first lord of the Treasury *?"

An account being received of *New York's* having refused to provide for quartering the troops, Mr. Grenville and his adherents raised such a clamor against America, that it was thought necessary to bring in a bill "for ^{May} restraining the assembly of *New York* from passing any act, till they had complied with the act of parliament for the furnishing his majesty's troops with the neces-

* Mr. Hartley's letters.

saries required by that act ;” and it had the royal assent the second of July. The taking away in this manner from the province of *New York* all the powers of legislation, till they should comply with the former act, occasioned a general alarm among the Americans. They now saw that their own colonial parliaments, as they considered them, were to be bound to what the British ministry might deem their good behaviour, by the acts of a British parliament. Nothing could be more grating to the sons of liberty in every province. It was the club of power which, while it knocked down the *New York* assembly, threatened every other with the like, if not pliable.

A plan of a board of commissioners for the American department, in order to ease the old board of commissioners of part of its burden through increasing business, had been in contemplation. It was intended to be placed in London, in order to be near the treasury, the ultimatum of revenue matters. Mr. *Paxton* thought to be the most plausible and insinuating of mankind, though not the most sincere, having left Boston and gone to Britain, had free access to the chancellor of the exchequer, Mr. *Charles Townsend*. It is said, that he whined, cried, professed, swore, and made his will in favor of that great man; and then urged the necessity of an *American board of commissioners*, and his having a seat at it. He might forward the business. Be that as it may, the chancellor brought in a bill for establishing a custom-house and a board of commissioners in America, which also passed into an act at the same time with the former. Mr. *Paxton*, for his own convenience and pleasure, might procure the fixing the board at Boston; but of all places

June
3.

places it was the most improper. The people were of all others the most jealous of infringements on their liberties; and were the least suited to see crown officers living among them in great state, upon what they could not but deem, from the mediocrity of their own circumstances, large salaries, payable from the revenue, to be raised from the colonies. The board should have been placed at *New York*. Smuggling was as prevalent there as at *Boston*. The inhabitants had been long used to crown officers with splendid appearances; the commanders of his majesty's troops resided much among them; numbers of them lived in a higher stile than the *Bostonians*; beside, there the commissioners would have had forces at hand to have supported them, and have met with greater assistance from the servants of a royal government and their connections. The timing also, as well as the placing of the board, was rather unfortunate; for it supplied the Americans with the opportunity of propagating, that it was appointed merely to enforce the new duties. By this means the people were inflamed, and the appointment was pronounced unconstitutional and oppressive. The duties were to take place after the twentieth of November; and in the beginning of that month, three of the commissioners, *Henry Hulton*, *William Burch*, and *Charles Paxton* esqrs. arrived at *Boston*: the other two, *John Temple* and *John Robinson* esqrs. were in *America* before. As to the expence of the board of customs, including the whole, it was a thousand pounds less than that of the four surveyors general, and the office connected with them at *London*. The chancellor had been instrumental in reviving those *American animosities*, which the repeal of the stamp-
act

act had quieted; but did not live to see the fatal consequences which have followed, as he died the fourth of September.

Oct. 28. A few gentlemen at a private club in *Boston*, having suggested a non-importation agreement, the thought was improved upon, till at length the inhabitants, at a town meeting, agreed upon measures to promote industry, œconomy, and manufactures; thereby to prevent the unnecessary importation of *European* commodities. They also voted, that a subscription paper should be prepared, and a committee appointed to procure subscriptions to it; by which the parties engaged to encourage the use and consumption of all articles manufactured in any of the British American colonies; and after the thirty-first of December following, not to purchase certain enumerated articles imported from abroad.

The failure of expected success from these measures, and an apprehension of disagreeable consequences from an ineffectual opposition, were probably the motives that induced Mr. *Otis*, at a subsequent town-meeting, to make a long speech on the side of government, wherein he asserted the king's right to appoint officers of the customs, in what number and by what denomination he pleased; and that as to the new duties, it would be very imprudent in the town to make an opposition to them, when every town in the province, and every other province in America seemed to acquiesce in them and be contented. But the proposed measures were afterward approved of and adopted at *Providence* and *Newport*.

1768. Jan. The *Connecticut* towns and *New York* followed the example. Still the business labored without being productive

ductive of any important effects. This engaged the attention of one captain Malcolm, a small trader, who about eighteen months before had made himself famous by a violent and successful resistance with sword and pistol, to the custom-house officers, when endeavouring to search his house for uncustomed goods, under the authority of a writ of assistance. Having, about the middle of February, safely run the cargo of a schooner from Fyall, consisting of about sixty pipes of wine, he within two or three days procured a meeting of some merchants and traders, at which he presided. Nothing was determined upon more, than the calling of a general meeting of the merchants on Friday, March the fourth. This may be stiled the first movement of the merchants against the new acts of parliament. The result of this meeting was, that a subscription for not importing any English goods, except for the fishery, for eighteen months, should be prepared and carried round the town. It met with no great encouragement, and many declined subscribing. On this, all engines were set to work; some were threatened and made afraid for their persons and houses; others for their trade and credit. By such means the subscription was filled. But the merchants of New York and Philadelphia declining to concur in the measure, those of Boston were obliged to give it up for the present. However they renewed it within a few months, as you will learn below.

The *New England* spirit of patriotism and œconomy was greatly approved of at *Philadelphia*; and it was said, that "If America is saved from its impending danger, New England will be its acknowledged guardian." Periodical pieces were published at Boston, on the nature and

extent of British parliamentary power. Hints were thrown out about independency: and intimations given, that freemen were not to be governed any more than taxed but by their own consent, in real or virtual representatives. The power of British legislation over the Americans was questioned, and virtually denied. Matters were brought to this length, by broaching anew a dispute that should never have been moved again; and which might happily have lain dormant for half a century or more, had no fresh attempt been made to tax the Americans. Before the stamp-act, they allowed the mother country a certain prerogative over them. They acquiesced in the parliament's right to make many acts, binding them in divers internal matters, and regulating their trade. They did not reason neither then nor immediately after the repeal, "if the parliament has no right to tax us *internally*, they have none to tax us *externally*, or to make any other law to bind us." They admitted the distinction between internal and external taxation, and between raising money from the regulation of trade, and raising it for the purposes of a revenue. The wisdom of parliament should have abode by their concessions, and have adopted and confirmed their distinction. But being obliged to enter afresh the field of political controversy, great numbers began to think, that the want of representation in parliament freed them absolutely from any obedience to the power of the British legislature; and that there was no real, and only a nominal difference between internal and external taxation, agreeable to what was insisted upon by the party opposing the repeal of the stamp-act. *John Dickinson* esq; began so early as in November 1767 to employ his pen

pen against the acts which had been passed, in a series of *Letters from a Farmer in Pennsylvania to the Inhabitants of the British Colonies*. They amounted to twelve; and in them he ably maintained the rights of the colonists. He closed with a postscript in these words: "Is there not the greatest reason to hope, if the universal sense of these colonies is immediately express'd by *resolves* of the assemblies in support of their rights, by *instructions* to their agents on the subject, and by *petitions* to the crown and parliament for redress, that those measures will have the same success now that they had in the time of the stamp-act?" The inhabitants of Boston were so sensible of the eminent service he did to the common cause, that they wrote to him upon the occasion. In his answer, April the eleventh, he said, "Never will my heart become insensible till insensible of all worldly things, of the unspeakable obligation I owe to the inhabitants of the *Massachusetts Bay*, for the vigilance with which they have watched over, and the magnanimity with which they have maintained, the liberties of the *British* colonies on this continent." It was probably owing to Mr. *Dickinson's* publications, that the *Pennsylvania* assembly, early in February, before they knew what measures the *Massachusetts Bay*, or any other colony, would pursue, took into consideration the act imposing duties on paper, glass, &c. and gave positive instructions to their agents, to unite with other agents in applying to parliament and praying relief.

It may be justly concluded, from governor *Bernard's* letters to lord Shelburne, that the *Massachusetts* assembly were inclined to bury in oblivion the discords occasioned by the stamp-act, and to escape other subjects of

future

future controversy, had not the late chancellor unhappily revived the animosities. "The house, (says the governor) from the time of opening the session to this day, has shewn a disposition to avoid all dispute with me; every thing having passed with as much good humor as I could desire, except only their continuing to act in addressing the king, remonstrating to the secretary of state, and employing a separate agent. It is the importance of this innovation, which induces me to make this remonstrance at a time when I have a fair prospect of having, in all other business, nothing but good to say of the proceedings of the house*."

"They have acted in all things, even in their remonstrance, with temper and moderation: they have avoided some subjects of dispute, and have laid a foundation for removing some causes of former altercation†."

"I will make such a prudent and proper use of the letter as, I hope, will perfectly restore the peace and tranquillity of this province, for which purpose considerable steps have been made by the house of representatives‡."

Jan. 21. The *Massachusetts* house of representatives, in a debate upon the "expediency of writing to the assemblies of the other colonies upon the continent, with respect to the importance of joining with them," put a question on the proposition of writing letters, desiring those assemblies to join them, which was negatived for this very reason, because containing the proposition of joining. The house thought exceptions might be taken at it, as having a tendency to form combinations; and that it might be considered at home as the appointing another

* January 21, 1768. † January 30. ‡ February 2. congress.

congress. It is an excellent rule of the house, that no vote shall be re-considered, unless the number of members present equals the number at its passing. When they had the same number, eighty-two, which makes a ^{Feb.} full house, a motion was made for re-considering the ⁴ vote against applying to the other colonies; and the vote of re-consideration was obtained by a large majority. The same day a committee was appointed to prepare a letter to be transmitted to the several houses of representatives and burgeses upon the continent, to inform them of the measures the house had taken with regard to difficulties they were apprehensive would arise from the operation of several acts of parliament for levying duties and taxes on the American colonies. The committee, after deliberating a week, reported the letter, ¹¹ which being read in the house, was accepted almost unanimously, in the presence of eighty-three members. It began thus: "Sir, the house of representatives of this province have taken into their serious consideration the great difficulties that must accrue to themselves and their constituents, by the operation of several acts of parliament imposing duties and taxes on the American colonies." It then related the measures they had taken in petitioning the king making representations to the ministry, &c. and concluded with, "the house is fully satisfied that your assembly is too generous and enlarged in sentiment, to believe that this letter proceeds from an ambition of taking the lead, or dictating to the other assemblies. They freely submit their opinion to the judgment of others, and shall take it kind in your house to point out to them any thing further that may be thought necessary. This house cannot conclude without

without expressing their firm confidence in the king, our common head and father, that the united and dutiful supplications of his distressed American subjects will meet with his royal and favorable acceptance."

Feb. 25. *Peter Gilman* esq; speaker of the *New Hampshire* assembly, wrote, by order of the house, in answer to the Massachusetts circular letter—"The sentiments contained in it are highly approved, and the communication kindly received and gratefully acknowledged. The time of the house's existence in that relation is near expiring; they can't engage for their successors, and can only express their satisfaction in the Massachusetts proceedings, and declare their hopes, that the next assembly will heartily concur in sentiments on this affair, and pursue the same method." The letter ran in the highest commendatory strain of the Massachusetts-Bay assembly; and concluded with, "What remains for us at present is to offer our daily prayer to the Governor and Lord of the universe, to avert the impending evil, and to make way for the full establishment of British liberty in every branch of it, and to quiet every colony in all the enjoyment of all their civil and religious rights and privileges." For these courtly expressions, with which the house declined doing any thing in the business, the next assembly was rewarded with courtly commendations. The governor, *John Wentworth* esq; in a message of October the twentieth, communicated the copy of the following extract of a letter from Lord *Hillsborough*, of July the ninth:—"It is his majesty's pleasure that you should assure his faithful subjects in *New Hampshire*, that his majesty has nothing more at heart than to promote their welfare and happiness, whose cheerful obedience

dience to the laws of this kingdom, and steady resolution in refusing to accede to the measures and proposals which have been urged with so much indecent warmth in other colonies, cannot fail to recommend them to his royal favor and countenance." The assembly however, nine days after, petitioned the king, and mentioned that his royal predecessors granted them a power of legislation, limited to the approbation or disallowance of the crown, with the powers and privileges essential to British liberty, of raising internal taxes by their own representatives. The petition was most profoundly humble; and so softly worded, that it could not offend the most delicate ear of the highest parliamentary prerogative man. By some accident or contrivance, it was not sent till antiquated and out of season. Mr. *Wentworth* had gained an ascendancy over the people of his government, by which he kept them from entering into any such spirited measures for the redress of grievances as would be offensive to ministry. The other colonies adopted a different line of conduct. The *Virginia* house of burgesses applauded the *Massachusetts* representatives for their attention to American liberty; took notice of the act suspending the legislative powers of *New York*; and said, "If the parliament can compel the colonies to furnish a single article to the troops sent over, they may by the same rule, oblige them to furnish clothes, arms, and every other necessary, even to the pay of the officers and soldiers, a doctrine replete with every mischief, and utterly subversive of all that is dear and valuable." The council concurred with them in all their proceedings; and their agent was enjoined to consult the agents of the other colonies, and to co-operate with them in applying

plying for redress. Most of the assemblies upon the continent, as they had opportunity, approved of the doings of the Massachusetts, and harmonized with them in resolves and petitions. But an account of their doings had not reached Great Britain long, ere Lord *Hillborough* wrote to governor *Bernard* upon the occasion. For want of fuller and juster information, or of due attention to the governor's expressions, the proceeding which originated the circular letter, was mentioned—"as unfair, contrary to the real sense of the assembly, and procured by surprise; and therefore" upon this mistaken principle, the governor was instructed, "so soon as the general court is again assembled, to require of the house of representatives, in his majesty's name, to rescind the resolution which gave birth to the circular letter from the speaker, and to declare their disapprobation of, and dissent to that rash and hasty proceeding." In case they refused to comply, he was immediately to dissolve them, and to transmit to his lordship an account of their transactions. The house was informed of what was required; and three days after, of what they were to expect if unpliant. Their resolution not being returned within six days of the last part of the information, the governor sent them word he could wait no longer, which hastened the business in which they were engaged.

30. A committee of the house reported a letter to Lord *Hillborough*, setting forth the several votes and resolutions which passed in the last house of representatives, relating to the circular letter; and showing that the whole of these matters was transacted in the height of the session in a full house, and by a large majority. The letter was approved of by 93 out of 105 members present.

present, and ordered to be transmitted to his lordship. The house agreed also upon a message to the governor, in which they said, " It is to us incomprehensible that we should be required, on the peril of a dissolution of the general court, to rescind a resolution of a former house, when it is evident, that that resolution has no existence but as a mere historical fact. Your excellency must know, that the resolution is, to speak in the language of the common law, not now executory, but to all intents and purposes executed. If, as is most probable, by the word rescinding is intended the passing a vote, in direct and express disapprobation of the measure taken by the former house as illegal, inflammatory, and tending to promote unjustifiable combinations against his majesty's peace, crown and dignity, we must take the liberty to testify and publicly declare, that we take it to be the native, inherent, and indefeasible right of the subject, jointly or severally, to petition the king for the redress of grievances; provided alway, that the same be done in a decent, dutiful, loyal and constitutional way, without tumult, disorder and confusion.—If the votes of the house are to be controlled by the direction of a minister, we have left us but a vain semblance of liberty.—We have now only to inform you, that this house have voted *not to rescind*, and that on a division on the question, there were ninety-two nays, and seventeen yeas." The message was firm, patriotic, and spirited; and in some parts allusively severe upon the governor; but every where decently expressed. The rescinders were governmental receivers or expectants. They had, or looked for a reward, for their crouching

July 1. compliance. The next day the governor passed some necessary acts, and then dissolved the assembly. It is scarce conceivable how a new assembly of representatives could think themselves capable of being more grossly insulted, than by being made accountable for the proceedings of a dissolved and dead one, and by being punished with immediate destruction for not declaring themselves of opposite sentiments to their predecessors. Mr. Otis in his speech against rescinding said, "When Lord Hillsborough knows that we will not rescind our acts, he should apply to parliament to rescind theirs. *Let Britain rescind their measures or they are lost for ever.*" His speech by the patriotic enthusiasts was extolled to the skies; and by the governmental ones, was declared to be the most violent, insolent, abusive, treasonable declamation, that perhaps was ever delivered. While the matter of rescinding was under consideration, the house received an answer from *Virginia*, and one from *New Jersey*, which, though not so very high as the other, was far from being unfavorable. They had also intelligence, that they might expect the like from other assemblies: these circumstances probably increased the majority against rescinding. Had it not been for the mandate to rescind, the sessions might have terminated prosperously and peaceably: for Mr. Otis, though he had distinguished himself by carrying the objections to the authority of parliament to the greatest length, had retracted all his former opinions, in a set speech at the opening of it. He said, he had fully informed himself of the relation between Great Britain and her colonies; and was convinced that the power of parliament over her colonies

was absolute, with this qualification, that they ought not to tax them until they allowed them to send representatives; and that if the colonies had representatives, the power of parliament would be as perfect in America as in England. He then argued for an American representation. This surprised the assembly, and induced a member on the side of government to charge the opposition with the intention of making an American representation necessary, by denying the authority of parliament over them because not represented. The answers of the other party were thought to strengthen the suspicion. Upon which Mr. Timothy Ruggles pointedly said, that as they were determined to have representatives, he begged leave to recommend to them a merchant, who would undertake to carry their representatives to England for half what they would sell for when they arrived there. But the best argument to have silenced any of the opposition, who might interestedly hanker after an American representation, would have been to have repeated the resolve of the house on the 29th of October 1765—"A representation in parliament of the inhabitants of the province, such as the subjects in Britain actually enjoy is impracticable for the subjects in America." The day before Lord *Hillsborough* wrote to Mr. *Bernard* upon the business of rescinding, a circular letter was written to the governors of the respective provinces, to accompany a copy of that of the *Massachusetts*, in which his lordship said, "It is his majesty's pleasure, that you should immediately, upon the receipt hereof, exert your utmost influence to defeat this flagitious attempt to disturb the public peace, by prevailing upon the assembly of your province to take

no notice of it, which will be treating it with the contempt it deserves." He then added a closing paragraph meant to influence the assemblies into a compliance. The circular letter was in some instances received in time, but produced a very different effect from what was intended. The *New York* assembly had felt the weight of the parliament's high displeasure, and been bereaved of legislative power, till they should comply with the billeting act. In the beginning of the year, they voted the sum wanted to the general, for the purchase of salt, pepper and vinegar, instead of passing an act conformable to the parliament's act, which vote was accepted. But when they met at the close of the year, after having completed a petition to his majesty, another to the lords, and a remonstrance to the commons, they proceeded to consider the circular letters from the assemblies of *Massachusetts-Bay* and *Virginia*, and unanimously agreed to answer them in the most respectful manner. They then entered into some very spirited resolves in favor of liberty and the rights of their constituents; and appointed a committee to correspond and consult, with any other his majesty's subjects out of the colony, either individually or collectively, on any matter or thing whatsoever, whereby the rights or privileges of the house or its constituents might be affected. These doings occasioned their being dissolved.

We are now entering upon another interesting period.

It had been the common practice for the tide waiter, upon the arrival of a vessel, to repair to the cabin, and there to remain drinking punch with the master, while the sailors and others upon deck were employed in landing the wines, molasses, or other dutiable goods. The com-

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commissioners of the customs were determined that the laws of trade should be executed.

Upon the arrival of Mr. *Hancock's* sloop *Liberty*, *Nathaniel Barnard* master, from *Madeira*; the tidesman, *Thomas Kirk*, went on board in the afternoon. Captain *Marshall*, in Mr. *Hancock's* employ, followed; and about nine in the evening, made several proposals to *Kirk*, which being rejected, captain *Marshall*, with five or six others, laid hold of, overpowered, and confined him below for three hours, in which time the wine was taken out, before entry had been made at the custom-house or naval office. *Marshall* threatened *Kirk*, in case of discovery. The captain wrought so hard in unloading the sloop, that his sudden death, that night, while in bed, before assistance could be obtained, was generally believed to have been owing to some injury received from his uncommon exertions. The next morning the master entered, as it is said, four or five pipes, and swore that was the whole of his cargo. It was resolved to seize the sloop for a false entry's being made; though it was thought by many that no one would undertake the business.

Mr. *Joseph Harrison* the collector, and Mr. *Benjamin June* *Hallowell* the comptroller, repaired to *Hancock's* wharf.^{10.} Mr. *Harrison* objected to the unseasonableness of the time, being between six and seven, when the lower class of people were returning from their day labor. The seizure however was made before sun-set, so as to be perfectly legal. Mr. *Harrison* thought the sloop might lie at the wharf, after clapping the broad arrow upon her; but Mr. *Hallowell* judged it would be best to move her under the guns of the *Romney*, and made signals for her

boats to come ashore. The people upon the wharf cried out, "There is no occasion, she will lie safe, and no officer has a right to remove her;" but the master of the man of war cut her moorings and carried her off. Every mean was used to interrupt the officers in the execution of their business, and numbers swore that they would be revenged. A mob was soon collected, which increased to a thousand or two, chiefly of sturdy boys and negroes. The minds of the people were inflamed by the seizure and removal of the vessel. They had been before irritated, by the captain of the man of war's pressing some seamen belonging to the town; add to that, their aversion to the board of commissioners, the popularity of the owner, and the name of the sloop—these of course excited their resentments, and wrought them up into a combustible body. Captain Malcolm, who was deeply engaged in running the wines, headed a number of men after the seizure, and was very active in attempting to prevent the sloop's being removed. Mr. *Harrison* was pelted with stones, bricks, and dirt, and received several blows with sticks, particularly one on the breast, so that it was with difficulty he could keep from falling; he was afterward confined to his bed from the injuries he had received. Mr. *Hallowell*, Mr. *Irving*, inspector of imports and exports, and the collector's son were sharers in the treatment. They all escaped with the utmost hazard of their lives. Mr. *Hallowell* was confined to his house under the care of a surgeon from wounds and bruises. Mr. *Richard Harrison*, the collector's son, was thrown down, dragged by the hair of his head, and otherwise treated barbarously. Mr. *Irving* was beaten with clubs and sticks; had his sword broken

to pieces, and received a few flight wounds. The mob proceeded to the houses of the collector and comptroller, broke their windows, and those of Mr. *Williams* inspector general, then dragged the collector's boat through the town, and burnt it on the common. This was on Friday evening. Saturday and Sunday evenings are sacred; and the commissioners *Hulton, Burch, Paxton* and *Robinson* esqrs. remained pretty easy: during the outrages, to avoid insults, they retired from their own to neighbours houses. But receiving information, that further riots were intended, and the governor telling them, he could not protect them, and that there would be no safety for them in Boston, considering the temper of the people; on Monday morning early, they sent a card to the governor, to let him know that they were going on board the *Romney*, and desired his orders for their reception at the castle, which he readily gave. They repaired first on board the man of war, and then proceeded from thence to the castle. The collector and comptroller, and most of the other officers of the customs withdrew, either then or afterward. On ^{13.} the Monday morning large numbers of people were gathered together, and to appearance regularly formed into parties, under their different leaders, in several parts of the town. If they meant any thing against the commissioners, they were disappointed by their having withdrawn. In the afternoon printed tickets were put up, notifying a meeting of the sons of liberty the next day at ten o'clock. This prevented all mischief in the evening. At the appointed time, thousands of the lower ^{14.} class met; but the day being rainy, numbers adjourned to Faneuil hall, and there agreed to send the constables about

about to notify a legal town meeting for the afternoon. Little else was done at this meeting, but the appointing a committee to wait upon the governor with a petition, the receiving his answer, writing a letter to a friend, and voting such instructions as they thought proper to their representatives. The common talk was, that the removal of the sloop was an affront to the town, as it contained an insinuation that she would not have been safe if left at the wharf in custody of a custom-house officer. It was asserted, and very truly, that there had been no rescue lately; but an invincible reason existed for it, as no seizure had been lately made. When captain Malcolm, more than a year and half back, opposed, in an armed manner, the officers in attempting to search his house, such a number of people assembled about it, when he had got the officers out and shut his gates against them, that they were glad to retreat without doing their business. This defiance of the law passed unnoticed and unpunished, so that the officers never afterward attempted to make a seizure, although informations were not wanting, until the present time, when they were ordered by their superiors. About a month after, a schooner was seized for having thirty hogsheds of molasses on board, and was left at the wharf in custody of two custom-house officers. July the eighth at night, thirty men boarded her, confined the officers to the cabin, and carried off the molasses. The towns-people were dissatisfied that their declarations concerning the sloop Liberty, that she would have been safe if left at the wharf, should be so soon falsified. The select men sent for the master, and ordered him to return the molasses directly, under pain of the displeasure of

of the town. It was immediately done, and the moccasins put on board again, the day after it was conveyed away.

The day before the town meeting of June the fourteenth, a committee of both houses was appointed to inquire into the state of the province. When they made their report, in speaking of the affair on Friday the 30th, they said, "The seizure occasioned a number of people to be collected, who from the violence and unprecedentedness of the procedure in carrying off the vessel, &c. took occasion to insult and abuse the officers and to commit other disorders, &c.—Resolved, that though the extraordinary circumstances of said seizure may extenuate the criminality, yet being of a very criminal nature and of dangerous consequence, the two houses declare their utter abhorrence and detestation of them, and resolve that the governor be desired to direct the attorney general to prosecute all persons concerned in the said riot, and that a proclamation be issued, offering a reward for making discovery, so as the rioters or abettors may be brought to condign punishment." Neither rioters nor abettors had any thing to fear from either proclamation or prosecution; and knew themselves to be perfectly safe, notwithstanding the report; but the politicians saw it was expedient to say something to save appearances, and well-meaning persons might join them, in the simplicity of their hearts, believing that the others intended their words should be productive of the events to which they seemingly pointed. At the sitting of the superior court in August, the grand jury was found to have among them several of the abettors of the Boston rioters, and particularly the famous captain

captain Malcolm, a circumstance that necessarily quashed all informations and prosecutions, as it strongly foreboded their issue.

The council in a letter to Lord *Hillsborough* insinuated, that the commissioners had concerted a plan, with the design of raising a disturbance by the seizure of the sloop Liberty. The insinuation must be placed to the ill will they bore to the commissioners, more than to any thing beside. On the twenty-ninth of July, they said, "The commissioners were not obliged to quit the town; there never had been any insult offered to them; their quitting the town was a voluntary act of their own; we do not apprehend there was any sufficient ground for their quitting it." But it appears from a manuscript in Mr. *Hutchinson's* hand writing, that the commissioners applied, December the nineteenth, to each of the judges of the superior court separately, for their opinions upon four questions; and that after having conferred together, they were unanimously of opinion,

"That from the spirit which had been excited in the populace against all the commissioners of the customs, Mr. *Temple* excepted, they could not have remained long in safety at Boston, after the seizure of the sloop Liberty, but would have been in great danger of violence to their persons and properties from a mob, which at that time it was generally expected would be raised for that purpose:

"That government was insufficient to restrain, suppress or punish the several mobs which had been assembled since the fourteenth of August 1765; and that at the time of the commissioners retiring to the castle, there

was

was no probability that the same authority could have had any greater force :

“ That they could not have returned to town, and executed their commission with safety, at any time after they withdrew, before the arrival of his majesty’s troops :

“ And that they knew of no better measure that they could have taken, than retiring to Castle William.”

Mr. *Temple* was excepted, for he was not obnoxious to the populace, being averse to the establishment of the board of commissioners, which lessened both his salary and power. He wished the dissolution of it, and to be restored to his former place of surveyor general of the customs. Though the rest of the commissioners could not have returned to have executed their commission with safety, they might most probably have returned and been safe, had they declined executing the same, which however was not to be expected. They continued at, but were not confined to the castle. They rode about the country at pleasure, without any interruption from the people.

The commissioners wrote to general Gage, colonel June Dalrymple, and commodore Hood, desiring troops to ¹⁵ support them in their office. Whatever this application might contribute toward the sending of them, yet it certainly did not give rise to it. Measures had been taken to procure them long before. Mr. *Paxton*, when in London the preceding year, told Mr. *Bollan* repeatedly, that Mr. *Hutchinson* and some other of his friends were of opinion, that standing troops were necessary to support the authority of the government at Boston ; and that he was authorized to inform him of this their opinion. Most probably he was authorized to inform others also.

also. Mr. *Bollan* was against sending troops, and when there was a talk of doing it, endeavoured to prevent it, and freely related to a gentleman of considerable influence, what some of the principal merchants said, that they who should send over the standing troops, would certainly be cursed to all posterity *. But the disposition of some to try the experiment was strengthened by a letter from the commissioners to the lords of the treasury received before the riot happened; and rendered efficacious upon the arrival of governor *Bernard's* letters at the secretary's office, especially that of March, giving an aggravated detailed account of a terrible disturbance on the joyous anniversary of the repeal of the stamp-act; which general *Gage*, in his of October to *Lord Hillsborough*, declared, from the best intelligence he could procure, to have been trifling. When the matter came to be considered, it was agreed to send troops to Boston. Accordingly, Lord *Hillsborough* in his secret and confidential letter to general *Gage*, wrote, "I am to signify to you his majesty's pleasure, that you do forthwith order one regiment, or such force as you shall think necessary, to Boston, to be quartered in that town, and to give every legal assistance to the civil magistrate, in the preservation of the public peace, and to the officers of the revenue, in the execution of the laws of trade and revenue; and as this appears to be a service of a delicate nature, and possibly leading to consequences not easily foreseen, I am directed by the king to recommend to you to make choice of an officer for the command of those troops, upon whose prudence, resolution, and integrity, you can entirely rely." And on the

June
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* Mr. *Bollan's* letter to Mr. *Hutchinson*, August 11, 1767.

eleventh, he informed the governor, that his majesty, from the representation made by him and the commissioners of the customs, had directed one regiment at least to be stationed in Boston, and to garrison, and (if necessary) to repair the castle; and had ordered a frigate, two sloops, and two cutters to repair to, and remain in the harbour of Boston for supporting and assisting the officers of the customs in the execution of their duty. His lordship's letter to Gage being dated two days before the riot occasioned by the seizure of the sloop Liberty, the order contained in it could not possibly be founded on such riot; though the riot, with the subsequent transactions of the town, might be related as a reason in the resolves afterward drawn up, exhibiting the necessity of sending a military force to Boston. But persons in office are liable to fall into mistakes, through the multiplicity and hurry of business, and for want of due consideration, or better intelligence. In this way you may account for his lordship's signing a circular Sept. letter, to the governor and council of *Rhode Island*, to² the following purpose—"Gentlemen, the king having observed, that the governors of his colonies have, upon several occasions, taken upon them to communicate to their councils and assemblies, either the whole or parts of letters from his majesty's principal secretary of state, I have it in command to signify, that it is his majesty's pleasure, that you do not upon any pretence whatever communicate to the assembly, any copies or extracts of such letters, unless you have his majesty's particular directions." This was soon published in the *Providence Gazette* after being received. That colony chooses its own governor annually, and he has neither
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right nor power to withhold from the assembly copies of any such letters. Upon another occasion his lordship gave orders to the governor of *Pennsylvania*, in case the assembly did not act conformable to what was expected, immediately to dissolve them; whereas it is the inherent privilege of that house, to sit on their own adjournments; and the governor has no power to dissolve them.

Nov. 3^d. A month after the arrival of the troops at *Boston*, Mr. *Hancock* was served with a precept for 9000*l*. sterling, by the marshal of the court of Admiralty. The marshal having arrested him, demanded bail for 3000*l*. Five other gentlemen were arrested for the like sum. He and the five others gave bail. The commissioners prosecuted the supposed owner, and each person they imagined concerned in unloading the wines, for the value of the whole cargo and treble damages. The vessel seized was restored after a long detention; and the suits in the court of Admiralty dropped, March the twenty-sixth, 1769, by a declaration from the king's advocate, that his majesty would prosecute no further. It was idle to think of supporting the prosecution by sufficient evidence. Want of inclination or fear would prevent witnesses appearing, and corruption would procure counter-evidence from men of no principle, who would justify themselves from the prosecution's being built upon acts of parliament, to which they supposed the colonies owed no obedience; and would plead, as in too many instances is done at home, that it is not he who takes, but he who imposes the oath, who is chargeable with the crime of swearing falsely. The law would not allow the prosecuted any costs or damages. In this case
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the allowance would have been unreasonable; the innocence of the parties could not have been urged in its behalf.

The colonists could not overlook the good effects produced by the former non-importation agreement; and were earnest for playing off the same engine against the new attempts of ministry, to saddle them with the payment of taxes. About the beginning of April, several gentlemen of *Boston* and *New York*, wrote to others at *Philadelphia*, in order to learn, whether they would unite with them, in stopping the importation of goods from *Great Britain*, until certain acts of parliament should be repealed, which were thought to be injurious to their rights, as freemen and British subjects. A numerous meeting of merchants followed, when an address was read to them. It set forth the claims of the colonies, and then went into an enumeration of grievances, which the colonists had long borne, and seemed willing to forget, had they not been alarmed afresh by the late proceedings of the ministry. The address remarked, that, in the act obliging the several assemblies to provide quarters for the soldiers, &c. a power is granted to every officer, upon obtaining a warrant from any justice (which warrant the justice is empowered and ordered to grant, without any previous oath) to break into any house by day or by night, under pretence (these are the words of the act) of searching for deserters. It pointed out to them the danger they were in, of having erected over them a despotic government, to rule them as slaves. It called upon them to deliberate, by what means they might defend their rights and liberties, and obtain a repeal of the obnoxious acts. It

urged them to join in the measure proposed by their brethren of *Boston* and *New York*; and closed with "*United we conquer, divided we die.*" The *Pennsylvania* merchants agreed with the other colonies in opinion that the revenue acts were unconstitutional; but declined adopting the non-importation agreement, as they believed it to be premature. They knew that multitudes in Great Britain would suffer much by a suspension of trade with her, whenever it should be carried into execution; and judged that it ought not to be made use of, but as the last and most certain remedy, when petitions proved ineffectual. They saw clearly, that the acts were manifestly injurious to the British trade, and hoped the parliament would therefore find it expedient to repeal them; and were willing to allow a proper time for the repeals being effected. These reasons induced them to refuse complying with the solicitations of their neighbours. But the merchants and traders of Philadelphia agreed upon a memorial, wherein they stated their grievances, which was transmitted to their mercantile friends in London; on whose assistance they relied for an application to government for relief; and this they hoped to obtain as to some of the chief, though it might not be all the articles of complaint.

But the *Boston* merchants and traders, having been drawn in, partly by their connections with the politicians and the fear of opposing the popular stream, agreed upon a new subscription paper, wherein they engaged as follows—"We will not send for or import from Great Britain, either upon our own account, or upon commissions, this fall, any other goods than what are already ordered for the fall supply."—"We w

not send for or import any kind of goods or merchandise from Great Britain, &c. from the first of January 1769, to the first of January 1770, except salt, coals, fish-hooks and lines, hemp and duck, bar-lead and shot, wool-cards and card wire."—"We will not purchase of any factor or others, any kind of goods imported from Great Britain, from January 1769 to January 1770."—"We will not import, on our own account, or on commissions, or purchase of any, who shall import from any other colony in America, from January 1769 to January 1770, any tea, glass, paper or other goods, commonly imported from Great Britain."—"We will not, from and after the first of January 1769, import into this province any tea, paper, glass, or painters colours, until the act imposing duties on those articles shall be repealed." The subscription paper was carried about town; and, at length, generally signed; though several respectable merchants remained non-subscribers. The same month the *Connecticut* and *New York* merchants came into similar agreements; and those of *Salem*, the beginning of September. Some merchants had undoubtedly the foresight to provide for an abstinence from importation for a year, by unusually large orders.

A report having been spread, that governor *Bernard* had intimated his apprehensions, that one or more regiments were to be daily expected at *Boston*, a meeting of the inhabitants was called, and a committee appointed to wait on him, to know the grounds of his apprehensions, and to pray him to issue precepts forthwith for convening a general assembly. He acknowledged his having received those informations which produced such apprehensions, but said they were of a private na-

ture. The calling of another assembly he told them could not be complied with, till his majesty's commands were received. The answer being reported, it was resolved, "That the freeholders, and other inhabitants of the town of Boston, will, at the peril of their lives and fortunes, take all legal and constitutional measures to defend all and singular the rights, liberties, privileges and immunities granted in their royal charter." It was also declared to be the opinion of those present, "That a suitable number of persons to act for them as a committee in convention, with such as may be sent to join them from the other towns, should be now chosen, in order that such measures may be consulted and advised as his majesty's service, and the safety of the province may require." It was then voted, "That the select men of Boston should write to the select men of the other towns, to acquaint them with the foregoing resolutions, and to propose, that a convention be held at Faneuil Hall in Boston, on the twenty-second instant." It was afterward voted, "That, as there is an apprehension, in the minds of many, of an approaching war with France, those inhabitants who are not provided, be requested to furnish themselves forthwith with arms."

22. The *convention*, consisting of committees from ninety-six towns and eight districts, met as proposed; and after conference and consultation, petitioning the governor, declaring that they only considered themselves as private persons, making loyal professions, expressing their aversion to standing armies, to tumults and disorders, their readiness to assist in suppressing riots and preserving the peace, and recommending patience and regard to good order, they broke up and went home on Thursday the twenty-ninth

ninth. Advice was received the day before, that the men of war and transports from Halifax, with some hundreds of troops, were safe arrived at Nantasket harbour, a few miles below Castle William. Two days before the convention closed, they dispatched a letter to Mr. Berdt, containing a representation of what had taken place, with such papers and instructions as were judged most suitable to the circumstances of their assembly. When the news was first received of troops being ordered to Boston, broad hints were thrown out that they would never land; and to strengthen the appearance of intention to oppose them, a barrel was placed upon the beacon, supposed to be a tar barrel, to have been used to call in the country upon the troops appearing, which was afterward found to be an empty nail barrel. Many of the deputies came down to the convention, with instructions and dispositions to prevent the Bostonians involving the province in the fatal consequences of their own furious devices. Numbers were from the beginning, sensible of the impropriety and danger of their proceeding, and desirous by a moderate conduct, to correct the one and ward off the other. The governor's message to them after their address was high, and might tend to keep some of them in awe, as the troops were thought to be at no great distance. When Mr. Pittis joined them, instead of being violent, he was quite moderate; and when Mr. Samuel Adams attempted to launch out in the same free and unrestrained language, to which he was accustomed in the house of representatives, he was presently silenced.

The convention having finished in the above manner, the persons just named assumed to themselves the moderation

deration of those whom they called together for very different purposes. The governor himself was not always wholly ignorant of what was going forward among the sons of liberty. He kept up an acquaintance with some of them; and by that mean, at times, procured useful intelligence, while he gave his informers the strongest assurance, that their names should not be quoted nor any communication be made of it, which could make them suspected. Too much occasion was given for this paragraph, which soon after appeared in the New York Journal.—“ I blame the Bostonians for having given some room for the idle reports of their designing to oppose the landing of the troops, by the ridiculous puff and bombast (for which our eastern brethren have always been too famous) of warning every man to provide himself with a good firelock, ammunition, &c. under the disingenuous jesuitical pretence of the prospect of a French war, full as absurd and hypocritical as is the pretence of a military establishment in America for its protection and defence.”

When the troops from Halifax were daily expected the governor would have prevailed upon the council to have provided quarters for them in Boston; but they refused, and in answer to what he advanced, said, “ The troops are by act of parliament, to be quartered nowhere else but in the barracks, until they are full; there are barracks enow at the castle to hold both the regiments; and it is therefore against the act to bring any of them into town.” However, the orders of general Gage to lieutenant colonel *Dalrymple* were positive to land one of them at Boston. But in the interim captain Montrefor, the engineer, arrived with letters of a subse-

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sequent date, from gen. Gage for the governor and the colonel, wherein the general mentioned, that it being reported and believed from a number of private letters and the publications, that the people in and about Boston had revolted, he had therefore sent the captain to assist the forces, and enable them to recover and maintain the rattle, and such other posts as they could secure. Upon this the colonel altered his plan, and concluded to land both regiments at Boston without loss of time. The fleet therefore was immediately put into motion, and by the next morning commanded the whole town. Every thing being fully prepared, near upon fourteen* ships of war lying with their broadsides to the town, having springs on their cables, and their guns ready for firing instantly upon the place, in case of the least opposition; about one o'clock at noon, October the first, the troops began landing, under cover of the ships cannon, without molestation; and having effected it, marched into the common, with muskets charged, bayonets fixed, drums beating, fifes playing, &c. making, with the train of artillery, upward of 700 men. In the evening, the select men were required to quarter the two regiments in town, but absolutely refused. One of the regiments, however, being without their camp equipage, was humanely permitted to enter *Faneuil-hall* and its chambers, about nine o'clock at night, that so the men might enjoy a temporary shelter. The next being Lord's day, the town or state house was opened in the evening, by,

* The *Launceston* of 40 guns, the *Mermaid* of 28, *Glasgow* 20, *Beaver* 14, *Senegal* 14, *Bonetta* 10, and several armed schooners, besides the *Romney* of 60 guns, and the other ships which had been some time in the harbour.

order of the governor, for the reception of the troops, who took possession of all the chambers, except the one appropriated for the meeting of the council. He certainly stretched his authority in several points; but particularly in thus acting. This step was an insult not only to the town, as it was a great annoyance to the gentlemen and merchants, who had been accustomed to make the lower floor their exchange, but to the whole colony, as the representatives chamber was now possessed by the soldiery. After the quarters of the troops were settled, the main guard was posted directly opposite to, and not twelve yards from the state house, with two field pieces pointed to it. It was with no small indignation that the people beheld the representatives chamber, court-house, and Faneuil-hall—seats of freedom and justice—occupied by troops; and guards placed at the doors, and the council passing through the guards in going to their own chamber. They resented also the common's being covered with tents, and alive with soldiers; their marchings and counter-marchings to relieve the guards; the town's being a perfect garrison, and the inhabitants being challenged by the sentinels, as they passed and re-passed. Persons devoutly inclined, complained much of being disturbed at public worship on the sabbaths, with drums beating, and fifes playing, to which they had never been accustomed in the Massachusetts. Quarters being obtained for the troops, the council were required to provide barrack provisions for them, agreeable to act of parliament; but resolutely declined going into any measure which might be construed into a submission to the said act. The opposition of the council to the quartering of, and providing for the troops,

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was so encouraged and strengthened by Mr. *James Bowdoin*, who was one of them, that Mr. *Hutchinson*, in his letter of November 6, ascribed the whole to his management. It was thought that the peaceable landing of the troops was not what some of the ministry either expected or desired; and that they were in hopes, that the folly and rage of the town and colony would have led them into an hostile opposition, and thereby have afforded an opportunity for giving them some naval and military correction. Under this apprehension, the gentleman, who delivered the first dispatches from governor Bernard, containing the account of the troops having landed, &c. narrowly watched the countenance and conduct of the person who read them, and was confirmed in such opinion. But had he not possessed that opinion, it might not have been excited by what he observed. The sentiments of the military differed so extremely from those of the Bostonians, who were unjustly viewed as rebelliously inclined, that it was not to be wondered at that they were insulted and abused, and that quarrels should ensue, though they did not proceed soon to a dangerous height. Undoubtedly the inhabitants could not be continually blameless: there would necessarily be some rash and imprudent persons among such multitudes; but the greatest rashness and imprudence lay in the sending of troops on a service, which could have been effectually and better executed by a naval force properly stationed and employed. Ships of war might have possessed the harbour till the commissioners could have executed their office with safety.

The committee of merchants in *London* paid a due attention to the memorial sent them by the merchants
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and traders of *Philadelphia*, and took pains to obtain relief from the grievances therein complained of, though without effect. The department to which they applied, afforded little hopes of redress in a way that might put an end to the differences that had arisen between Great Britain and her American colonies. The act imposing duties on glass, paper, &c. was acknowledged to be inexpedient; but it was added, "Such has been the unjustifiable conduct of some in America, that the present juncture is not a proper season for a repeal." Administration was firmly resolved to oppose it with their utmost strength, while it should be insisted on by threats on the part of the colonists, for in that light they considered the steps which had been taken by them to obtain redress. It was said, "If a proper disposition appears in the colonies, and their merchants, in a succeeding session, shall think proper to petition parliament on the principle of inexpediency only, there is every reason to believe that no part of administration will object to the repeal." But the minister did not declare what was the proper disposition he expected. No sooner were the *Philadelphians* apprised, by the receipt of this information, that no hope remained of a repeal in that session, than they unanimously entered into the very agreement, which some months before, when proposed to them, they had declined: and it was their opinion, that as the agreement had been formed on mature deliberation, the people of the province would firmly adhere to it. Of this they gave notice to the committee of

1769. merchants in *London*, by letter of April 8, 1769. In
 April that letter, remarking upon the information they had
 8. received, they wrote—"It would become persons in
 power

power to consider, whether even the unjustifiable behaviour of those who think themselves aggrieved, will justify a perseverance in a matter confessed to be wrong. Certain it is, that the wisdom of government is better manifested, its honor and authority better maintained and supported, by correcting the errors it may have committed, than by persisting in them, and thereby risking the loss of the subjects affections. We are apprehensive that persons in power are greatly abused, and that the people of America have been grossly misrepresented, otherwise the steps which they have taken to obtain redress, could never be looked upon as threats. Threats they never intended; but as all the American colonies were equally affected, it was thought that their joint petitions would have more weight; and for this end the several assemblies communicated their sentiments to each other. This step, to the inexpressible surprise of all America, is represented as "a flagitious attempt, a measure of a most dangerous and factious tendency, &c." The dissolution of assemblies that followed, and the measures pursued to enforce the acts in America, awakened the fears, and exasperated the minds of the people to a very great degree. They therefore determined not only to defeat the intent of the acts, by refraining from the use of those articles on which duties were laid, but to put a stop to the importation of goods from Great Britain. This is the only threat we know of; and if this is sufficient to engage the ministry to oppose a repeal of the acts, we apprehend the ministry must, by a change of measures, endeavour to regain the affections of the people before they can be induced to alter their determination."

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"The Americans consider themselves as British subjects, entitled to all the rights and privileges of freemen. They think there can be no liberty without a security of property; and that there can be no property, if any can, without their consent, deprive them of the hard-earned fruits of their labor. They know that they have no choice in the election of the members of parliament; and from their situation, never can have any. Every act of parliament therefore, that is made for raising a revenue in America, is in their opinion, depriving them of their property without their consent, and consequently is an invasion of their liberty."

"If then the acts cannot be repealed while the ministry objects, and if to remove the objections the Americans must give up their sentiments, we must candidly confess we have little hopes of a repeal ever taking place; much less is it to be expected, that the merchants will presume to petition parliament on the principle of inexpediency only, when every assembly on the continent are applying for a repeal on the principle of right."

"Happy had it been for both countries if the idea of raising taxes in America had never been started; however, if the acts complained of are repealed, and no other of the like nature are attempted hereafter, the present unhappy jealousies will, we believe, quickly subside, and the people of both countries in a short time, return to their usual good humor, confidence, and affection."

If ministry thought that the resolves of the house of lords, the preceding December, would have put a stop to non-importation agreements and the spirited exertions

of the colonists, they soon found themselves much mistaken. It can scarce be imagined, but that some of the Philadelphia gentlemen had received the account of such resolves; for the above letter was in answer to London ones of January 4th and 26th, and yet they proceeded as has been related.

The resolves censured the votes, resolutions, and proceedings of the house of representatives of *Massachusetts* of January and February; as also the declarations, resolutions and proceedings in the town of *Boston*. They pronounced the election of deputies to sit in convention, and the meeting of such convention, daring insults offered to his majesty's authority, and audacious usurpations of the powers of government. The lords then ordered an humble address to be presented to his majesty; in which they expressed their satisfaction in the measures his majesty had pursued; gave him the strongest assurances, that they would effectually support him in such further ones as might be found necessary to maintain the civil magistrates, in a due execution of the laws, within the *Massachusetts-bay*; and beseeched him to direct the governor to take the most effectual methods for procuring the fullest information, touching all treasons committed within that government since the 30th of December 1767, and to transmit the same, with the names of the persons most active in the commission of such offences; in order that his majesty might issue a special commission for hearing and determining the said offences, within the realm, pursuant to the statute of the 35th year of *Henry VIII*.

The resolutions and address were sent down to the house of commons for their concurrence. Colonel *Barre* opposed

opposed them; and directing himself to the ministry, said, " Away with these partial resentful trifles, calculated to irritate, not to quell or appease, inadequate to their purpose, unworthy of us ! Why will you endeavour to deceive yourselves and us ? You know that it is not this place only that disputes your right, but every part. They tell you, that you have no right from one end of the continent to the other. My sentiments of this matter you well know. Consider well what you are doing. Act openly and honestly. Tell them, you will tax them ; and that they must submit. Do not adopt this little, insidious, futile plan. They will despise you for it." However, on the ninth of February,

Feb. 9. they were agreed to and returned with some amendments ; and the address was ordered to be presented by both houses. The *Massachusetts*, with becoming firmness, constantly asserted their rights, which drew down upon them ministerial vengeance. They had no general assembly when the resolves and address reached America, the last having been dissolved for refusing to comply with the mandate to rescind, and the time appointed by charter for calling another not being arrived. But the *Virginia* house of burgeses entered upon the subject.

May 16. They met on the eighth of May, and on the sixteenth took into serious consideration the state of the colony, being alarmed at the distress in which all America was likely to be involved. They came to several necessary resolutions, copies of which they gave their speaker, with particular directions to transmit them without delay, to the speakers of the several houses of assembly on the continent ; whose concurrence in the like was requested.

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The resolves express, "That the sole right of imposing taxes on the inhabitants of the colony, is now, and ever hath been legally and constitutionally vested in the house of burgeses, with consent of the council, and of the king, or his governor for the time being—That it is the privilege of the inhabitants to petition their sovereign for redress of grievances, and that it is lawful to procure the concurrence of his majesty's other colonies in dutiful addresses, praying the royal interposition in favor of the violated rights of America—That all trials for treason, misprision of treason, or for any felony or crime whatsoever, committed by any person residing in said colony, ought to be in and before his majesty's courts within said colony; and that the seizing any person residing in the colony, suspected of any crime whatsoever, committed therein, and sending such person to places beyond the sea to be tried, is highly derogatory of the rights of British subjects, as thereby the inestimable privilege of being tried by a jury from the vicinage, as well as the liberty of producing witnesses on such trial, will be taken away from the party accused." These resolutions were followed by a humble address to his majesty, beseeching his royal interposition to quiet the minds of his loyal subjects in the colony, and to avert those dangers and miseries, which will ensue from seizing and carrying beyond sea the inhabitants of America to be tried in any other manner, than by the ancient and long established mode of proceeding.

The next day Lord *Bottetourt* sent for them, and said, May
 "Mr. speaker and gentlemen of the house of burgeses, 17.
 I have heard of your resolves, and augur ill of their effects. You have made it my duty to dissolve you,
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and you are dissolved accordingly." The gentlemen who composed the house, being reduced by the dissolution to private persons, repaired immediately to another place, that so they might consider what measures were proper to be taken, and chose the late speaker *Peyton Randolph* esq; moderator.

38. They entered into an association unanimously [which they subscribed and recommended to all merchants gentlemen, traders and others] against importing any goods taxed, and many other articles; against wines against importing and purchasing negroes, &c.

The next month, the *Maryland* gentlemen and merchants entered into a non-importation agreement similar to the *Virginian*.

The *South Carolinians* followed the example.

The inhabitants of *Charlestown* broke off all commerce with the *Rhode Islanders* and *Georgians*, whom they charged with having acted a most singularly infamous part, from the beginning of the present glorious struggle for the preservation of American rights. This had its effect, and *Georgia* came into the non-importation agreement September the nineteenth; *Providence* October the tenth; but *Rhode Island* not till the thirtieth.

39. The *North Carolina* assembly came to the like resolutions with the *Virginia* house of burgesses, for which governor *Tryon* dissolved them. Upon that, the gentlemen who had composed it, repaired to the court house chose the late speaker moderator, and came to a resolution for an association against importing, &c. conformable to what had been done elsewhere. Thus the non-importation agreement became general, and was forwarded by the very means applied for its prevention.

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Meetings of the associators were regularly held. Committees were appointed to examine the cargoes of all vessels arriving from Britain; and regular votes and resolutions of censure were passed in those meetings, upon such as refused to concur in the associations, and their names published in the news-papers as enemies to their country. The decrees of those committees met with a respect and obedience denied to the constitutional authority of government. In some cases goods imported from Britain were locked up in warehouses, under the care of the committees, and in a few instances returned. *Portsmouth*, the only seaport in *New Hampshire*, never came into the non-importation agreement. Governor *Ventworth* had address enough to prevent it, and keep all quiet. There are few private schools in that colony, and the bulk of the people are very illiterate. If a person can write a note of hand, read a chapter, and cipher to the rule of three, he passes for a man of learning. Men, whose capacities remain small for want of use and improvement, and who have little knowledge, are liable to be duped by those who possess superior rank and abilities. The associations were as general, and in common as well observed as could be reasonably expected, considering the disadvantages and losses they necessarily occasioned to many. But it is not to be thought, that there were no collusions; that all the goods belonging to the professing sons of liberty, which were stored, remained in the warehouses, without being conveyed out upon particular occasions, and to serve certain purposes; that all, who had given their names or honors not to import, did not privately order some of

the prohibited articles to please themselves, families or neighbours; that when, some months afterward, the zeal of the daughters of liberty, in several of the colonies, proscribed the drinking of tea, and rendered the disuse of it a universal fashion, all were so true to their engagements, as not to sip their green or bohea in secret, or under a new name; and that all who associated or agreed to the storing of their goods, did it voluntarily and without compulsion. The fear, or appearance of a mob often produced a compliance in persons, who would have gladly retained their goods till they could have turned the same into cash; and brought them to own, that they were willing that they should be stored, just as they would have been willing at sea to have thrown them overboard to escape personal shipwreck. The committees had the arts of persuasion, and in some places their most powerful arguments for reducing the obstinate were not known to be used by them.

The importer is sent for, and desired to come into the agreement; he declines; he must sell; his livelihood depends upon it. Arguments are used for his complying, and he is urged, soothed and entreated, but it avails nothing. He is determined at all hazards to dispose of his goods as purchasers offer. Some of the mob, or their leaders, are told, that the importer cannot be prevailed upon. In a day or two he finds himself surrounded; in danger of an assault; terrified; inquires the reason; and upon learning it hurries to the committee; begs their interposition, complies with what was before desired of him; hopes

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that they will restore him to the good graces of his fellow townsmen or citizens, and thanks them for their promised assistance, not in the least suspecting the depth of their contrivance. Every committee however, had not this prudent forecast, whereby to accomplish their designs without exposing their own characters.

We have hitherto omitted recording the transactions of the *Massachusetts* assembly in the present year, the *Virginia* house of burgesses demanding a prior attention, but now proceed to them.

The general court being called together according to May charter; a committee from the house of representatives^{31.} remonstrated to his excellency, "That an armament by sea and land investing this metropolis (*Boston*,) and a military guard with cannon pointed at the door of the state house where the assembly is held, are inconsistent with that dignity and freedom, with which they have a right to deliberate, consult, and determine. They expect that your excellency will, as his majesty's representative, give effectual orders for the removal of the above-mentioned forces by sea and land out of this port, and the gates of this city during the session of the said assembly." The governor returned for answer, "Gentlemen, I have no authority over his majesty's ships in this port, or his troops within this town."

He negatived eleven of the persons elected to form June council.

The house in a message to him declared—"The use^{13.} of the military power to enforce the execution of the laws, in the opinion of this house, inconsistent with the spirit of a free constitution, and the very nature of government.

vernment. This military force is uncontrollable by any authority in the province: it is then a power without any check here, and therefore it is so far absolute. What privilege! what security then is left to this house!"

It was not urged, whatever the case might admit; "The governor is the king's *locum tenens*, and his office entire. The chief civil and military authority being by the British and our constitution inseparable, the king cannot sever them. An independent military tends to the utter overthrow of the civil power. The operations of the great seal, which is *clavis regni*, cannot be controlled by the privy seal, the king's signet, sign manual, or signification of his pleasure by his secretary; in other words, our charter cannot be infringed by any of these."

The house firmly declined doing business surrounded with an armed force, so that the governor the next day adjourned the court to *Cambridge*.

July
6.

His excellency sent a message to them, with the accounts of the expenditures already incurred by quartering his majesty's troops, desiring funds to be provided for discharging the same, and requiring a provision for the further quartering the forces in Boston and Castle Island, according to act of parliament.

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The house of assembly, as though they meant by it to despise the parliamentary resolves, no less than maintain their own privileges, passed a number of resolves, and among them the following:

"That a general discontent on account of the revenue acts, an expectation of a sudden arrival of a military power to enforce said acts, an apprehension of the troops being quartered upon the inhabitants, the gene

ral court dissolved, the governor refusing to call a new one, and the people almost reduced to a state of despair, rendered it highly expedient and necessary for the people to convene by their committees; to associate, consult, and advise the best means to promote peace and good order; to present their united complaints to the throne; and jointly to pray for the royal interposition in favor of their violated rights. Nor can this procedure possibly be illegal, as they expressly disclaimed all governmental acts:

“ That the establishment of a standing army in this colony, in time of peace, is an invasion of natural rights:

“ That a standing army is not known as a part of the *British* constitution:

“ That sending an armed force into the colony under pretence of assisting the civil authority, is highly dangerous to the people, unprecedented and unconstitutional.”

The last is the same with that of *Virginia*.

The governor called upon them to answer, whether ^{12.} they would or would not make provision for the troops.

The house by message, after remarking upon the ^{15.} mutiny or billeting act, answered, “ As we cannot consistently with our own honor or interest, much less with the duty we owe to our constituents, so we never shall make any provision of funds for the purposes in your several messages.” Upon that the governor prorogued them to the tenth of January to meet at Boston.

South Carolina assembly, no less than the *Massachusetts*, ventured to disobey the mutiny act, and adopted similar resolutions to those of *Virginia*. The *Maryland* lower

house entered partly into similar ones, but the last was omitted, and the first more strongly expressed. The *Delaware* Counties early followed the lead of *Virginia*, and adopted their last resolve *verbatim*; and toward the close of the year, the *New York* assembly concurred in their resolves with *Virginia*.

The proposal of parliament for transporting persons from *America* in order to trial in *Great Britain*, pursuant to the statute of *Henry VIII.* excited a general alarm through the continent. The procedure they recommended was not wholly without precedent. The case of *Culpeper* has been already related (p. 76.) Under queen *Anne*, in 1710, the ringleaders of an unnatural contention in *Antigua*, wherein the governor was murdered, were brought to *Great Britain*, tried, and many of them convicted and executed upon this statute. Precedents however, will never reconcile sensible men to practices which, though legal, are fraught with cruelty, and liable to the most horrid abuses. Beside, the statute was become obsolete.

The *Virginia* house of burgesses, in their address to his majesty, expressed themselves with propriety upon this subject, "When we consider, that by the established laws and constitution of this colony, the most ample provision is made for apprehending and punishing all those who shall dare to engage in any treasonable practices against your majesty, or disturb the tranquillity of government; we cannot, without horror, think of the unusual, and permit us, with all humility, to add unconstitutional and illegal mode, recommended to your majesty, of seizing and carrying beyond the sea, the inhabitants of *America* suspected of any crime, and of trying

trying such persons in any other manner, than by the ancient and long established course of proceedings; for how truly deplorable must be the case of a wretched American, who having incurred the displeasure of any one in power, is dragged from his native home and his dearest domestic connections, thrown into a prison, not to wait his trial before a court, jury or judges, from a knowledge of whom he is encouraged to hope for speedy justice, but to exchange his imprisonment in his own country for fetters among strangers. Conveyed to a distant land, where no friend, no relation will alleviate his distresses, or minister to his necessities, and where no witness can be found to testify his innocence, shunned by the reputable and honest, and consigned to the society and converse of the wretched and abandoned, he can only pray, that he may soon end his misery with his life."

We have been reviewing the noble and animated proceedings of the *Virginians* and others, in behalf of liberty; and cannot but regret, that the existence of slavery and its effects among them, should administer the least occasion for any one's writing concerning them.—
 "The last resolves of the Virginia burgesses deserve a very hard name. It is indeed laughable, to see a few dissipated bashaws, tyrants over a parcel of wretched negro slaves, meet together and give themselves airs against Great Britain upon the subject of liberty—this applies to all the southern colonies. The spirit of independency in *New England* is more consistent and characteristic of the people; but *Virginia* and the *Carolinas* are but *petit maitres* in the business *."

* Mr. M. H's letter to Mr. Hutchinson.

It is time to cross the Atlantic, and advert to what was doing in *Britain*. An attempt in the house of commons, to bring on a repeal of the obnoxious act before the session closed, proved ineffectual. It was objected from every quarter, that it was not a proper time. Lord *North's* language upon the occasion was, "However prudence or policy may hereafter induce us to repeal the late paper and glass act, I hope we shall never think of it, *till we see AMERICA prostrate at our feet.*" When the session was over, the ministry, with a view, it might be, of soothing the Americans into a better temper, managing their respective assemblies, and bringing them to retract their resolutions and open the trade as before, gave out, that at the next session the American grievances should be redressed; and Lord *Hillsborough* wrote May 13. a circular letter to every colony, mentioning "their intention to propose, in the next session of parliament, taking off the duties upon glass, paper and colours, upon consideration of such duties having been laid contrary to the true principles of commerce;" and assuring each, that his majesty's ministers, "at no time entertained a design, to propose to parliament, to lay any further taxes on America, for the purpose of raising a revenue." Lord *Bottetourt*, following the directions he had received, so to explain measures as might re-establish mutual confidence and affection between Great Britain and her colonies, made the matter known to the *Virginia* house of burgesses in a speech, and then declared, "It is my firm opinion, that the plan which I have stated to you will certainly take place, and that it will never be departed from. I shall exert every power with which I am or ever may be legally invested,

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in order to obtain and maintain; for the continent of America, that satisfaction which I have been authorized to promise this day, by the confidential servants of our gracious sovereign, who to my certain knowledge rates his honor so high, that he would rather part with his crown, than preserve it by deceit." The house in their address to him, expressed their hope and confidence in a manner that implied fear and distrust; but willing to make the best improvement of what his lordship said, closed with—"We esteem your lordship's information, not only as warranted, but even sanctified by the royal word." The conduct of ministry contained the idea of a public renunciation of all further future taxation of America for a revenue; and the house appeared to view it in that light.

But the circular letter was far from satisfying the American sons of liberty in general. The evident exception of the duty on tea, and the professed design of appealing upon commercial principles, excited their apprehensions, and confirmed them in the opinion, that the ground of present grievances was not to be abandoned, but to be reserved for a future opportunity of making fresh essays for the imposition of internal taxes. The merchants and traders therefore, of *Boston*, soon after the knowledge of it, called a meeting, and unanimously voted, that the taking off the duties on the articles of glass, paper, and colours, would by no means relieve the trade from the difficulties it was under. They then confirmed their former agreement, to send for no goods contrary thereto, unless the revenue acts were repealed.

Though

Though the testimony of the *Pennsylvania* assembly against the resolves of parliament, and in favor of the Virginia resolves, the repeal of all the revenue acts and a redress of all grievances, was wanting; yet the *Philadelphia* committee of merchants, whose character and influence in the present business weighed more than that of the assembly, failed not to express their mind fully to the committee in *London*, long after the circular letter was a matter of notoriety. They thus wrote—“ Though we are not favored with an answer to our letter of the eighth of April last, yet as the liberty of America is at stake, and the minds of the people here are much agitated, and as the continuation of the unhappy dispute between the parliament and the colonies must not only affect your and our interest, but the general interest and happiness of both countries, we think it our duty to apply to you again, and earnestly request you would use your best endeavours with those in the administration, to restore tranquillity, and re-establish the colonies in the enjoyment of their ancient rights and privileges. We are very sensible, that the prosperity of the colonies depends upon their union and connection with Great Britain. In this sentiment all the Americans concur, yet they cannot bring themselves to think, that for this reason they ought to be divested of liberty and property. Yet this must be the case, if the parliament can make laws to bind the colonies in all cases whatever—can levy taxes upon them without their consent, dispose of the revenues thus raised without their control, multiply officers at pleasure, and assign them fees to be paid, without, nay, contrary to and in direct violation of acts of assembly regularly passed

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passed by the colonies and approved by the crown—can enlarge the powers of admiralty courts, divert the usual channels of justice, deprive the colonists of trials by a jury of their countrymen, in short, break down the barriers which their forefathers have erected against arbitrary power, and enforce their edicts by fleets and armies. To such a system of government the Americans cannot tamely submit; not from an impatience of subordination, a spirit of independence, or want of loyalty to their king; for in a quiet submission to just government, in zeal, affection and attachment to their king, the people of the colonies dare to vie with any the best of their fellow subjects; but from an innate love of liberty and the British constitution.

In our last we intimated our fears, that the ministry were greatly abused, and the people of America grossly misrepresented, by some who did not wish well either to Great Britain or the colonies. The letters of one of our American governors, (Bernard) and the memorials of a board lately erected among us, not to mention other documents laid before the public, evince that our fears were but too well grounded. From these it is apparent, that every sly art has been used to incense the ministry against the colonies; every argument that malice could invent has been urged to induce them to overturn the ancient foundations of liberty. Nay, to compass their base ends, they have declared in express terms, and taken uncommon pains, to make the ministry believe, that "there has been a long concerted and extensive plan of resistance to the authority of Great Britain in all the provinces, and that a seizure
made

made at Boston had hastened the people there to the commission of actual violence sooner than was intended.

In justice to the province where we reside, and indeed to all America, we beg leave to assure you, that such representations are without any just foundation, and that nothing can be a greater deviation from truth. Though at the same time we confess, that the ends accomplished by these and such like infamous slanders and vile arts have given a general alarm, and caused a universal uneasiness in the minds of the Americans. They now see a rod of power held over their heads; they begin to feel the severities of a court, that by its late enlarged jurisdiction, is empowered to break in upon the proceedings of the common law courts; and they have anxious fears for the existence of their assemblies, which they consider as their last and only bulwark against arbitrary power. For if, say they, laws can be made, money levied, government supported, and justice administered, without the intervention of assemblies, of what use can they be? They are no essential member of the constitution. And being useless and unessential, is there not reason to fear they will quickly become disagreeable; and then be wholly laid aside? And when that happens, what security have we for freedom, or what remains for the colonists, but the most abject slavery?

These are not the reasonings of politicians; but the sentiments and language of the people in general. For with great truth we may say, in no country is the love of liberty more deeply rooted, or the knowledge of the rights inherent in freemen, more generally diffused, and the principles of freedom and government better understood, than among the British American colonies.

For

For this reason we think ourselves obliged to inform you, that though the merchants have confined their agreements to the repeal of the act laying a duty on tea, paper, glass, &c. yet nothing less than a repeal of all the revenue acts, and putting things on the same footing they were before the late innovations, can or will satisfy the minds of the people. The fleets and armies may overawe our towns; admiralty courts and boards of commissioners, with their swarms of underlings, may by a rigorous execution of severe unconstitutional acts, ruin our commerce, and render America of little use to the people of Britain; but while every farmer is a freeholder, the spirit of liberty will prevail, and every attempt to divest them of the privileges of freemen must be attended with consequences injurious to the colonies and the mother country.

In a matter of so great importance you will excuse this freedom. We consider the merchants here and in England as the links of the chain that binds both countries together. They are deeply concerned in preserving the union and connection. Whatever tends to alienate the affections of the colonists, or to make them averse to the customs, fashions and manufactures of Britain, hurts their interest. While some therefore, from ambitious views and sinister motives, are laboring to widen the breach, we whose private interest is happily connected with the union, or which is the same, with the peace and prosperity of both countries, may be allowed to plead for an end to these unhappy disputes; and that by a repeal of the offensive acts, the cause of jealousy and uneasiness may be removed, tranquillity restored, harmony

mony and mutual affection re-established, and trade return to its usual channel."

The names of the committee on the back of the draft from which the above has been copied, were, *Alexander Huston, John Rhea, John Cox, John Gibson, Joseph Swift, James Mease, J. M. Nesbit, William West, Robert Morris, Charles Thomson, Daniel Benezet, William Fisher, George Roberts, Samuel Howell, and Thomas Mifflin.*

The stationing of troops in *Boston* might afford greater personal security to the commissioners than what they could otherwise have enjoyed, and might induce them or their underlings to exceed the bounds of their commission or of prudence, but could not prevent smuggling, or protect informers from insult and abuse. Even skippers, bound to different parts of the colony, had their vessels stopt and libelled for having uncleared articles of trifling consequence on board. Persons who ventured to lodge informations, when discovered, were often subject to a treatment, which gave them a ridiculous appearance, and laid them under a difficulty to clear themselves of the dress imposed upon them. They were stripped, well tarred, and then covered with feathers. The punishment took so with the lower class of people, that afterward it was not confined to informers, but was also applied by them to others who offended their dread majesty. There was a degree of intemperance and indiscreetness on the part of the commissioners and custom-house officers, which tended to irritate; whereas the utmost lenity and forbearance were requisite in order to general tranquillity. Mr. *Eliot* at *New York*, where smuggling was as prevalent as at *Boston*, found

necessary to wink at many irregularities that he might prevent disturbances and ill humor among the body of merchants. The commissioners expressed their dissatisfaction, and wanted him to alter his line of conduct:

He stated the case to a friend at home, and by his influence was secured from such like directions in future. They transmitted to Britain such representations of Mr. Otis jun. as provoked him to insert a publication in the Boston gazette, which brought on an affray at the coffee house between him and Mr. *Robinson*, one of the commissioners, from the latter's attempting to pull the other by the nose, because of some expressions in the said publication. Mr. *Robinson* being in danger of coming off with the worst, several of the company fell upon Mr. *Otis*; some of whom held him while others struck him with canes or different weapons. A friend passing along, observed what was doing, pressed in and rescued Mr. *Otis*, though he himself suffered considerably from the assailants. The noise soon drew multitudes about the house, when Mr. *Robinson* and his associates prudently retreated by means of a back door *. This procedure of the revenue officers (for no military one was present) opened a large field of altercation, and multiplied quarrels, which were before too frequent between the king's officers and the leaders of opposition.

Governor *Bernard* could carry nothing in the governmental way through the presence of the troops, but was continually losing ground, and growing more and more obnoxious to the inhabitants; so that he was abused in

* Mr. *Otis* afterward prosecuted Mr. *Robinson* for the assault, and the law gave heavy damages against him; but Mr. *Otis* generously forgave him upon an acknowledgment of the offence.

scurrilous publications, for which the Boston gazette was notorious. They were craftily calculated for the meridian where they first appeared, and suited the too levelling disposition of the *Bay-men*; after the politician had encouraged a spirit of licentiousness, in order to weaken the force of government, and counteract the designs carrying on against their liberties: but their want of decency offended many of the sons of liberty in the other colonies. Heavy threats were also thrown out against the governor's personal safety. Of these however he was regardless; and being asked by a friend how he could venture to walk about alone at his country seat, only five miles from the centre of Boston, and whether he was not afraid, he answered, "No, they are not a blood-thirsty people."

At length it was thought proper to recall him, as said to lay before his majesty the true state of the province; this he signified to the assembly in the month of June. Before they were prorogued, they embraced the occasion for drawing up a petition to his majesty, in which, after complaints of him, they entreated that he might be forever removed from the government of the province. When his letters, written home in confidence, came to be exposed to public view, it would have argued great weakness to have continued him, unless it was designed to adopt his plans, and support him by force at all adventures. Governor Bernard was too open, and had too little command of his temper; and suffered his resentment to get the better of what ought to have been his political judgment. Every governor should divest himself of resentment, especially in his public capacity, and his own happiness, and that of the governed require it.

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Men of spirit may be drawn, when they will not be forced. Sir Francis, instead of aiming his censures at individuals, directed them against whole bodies. Thus he charged the council with servility to the populace, the pleasing of whom, he said, was the rule of their conduct; and also both houses of the general assembly expressly, in his speeches, with oppugnation against the royal authority, declaring that they had left gentlemen out of the council, only for their fidelity to the crown. Such charges strengthened the hands of those whom he most opposed, by touching the honor of the whole. Had they been true, they should have been suppressed, or mentioned only in private; but though the substance of them was even true, when applied to individuals, it might be otherwise when applied to the body, the majority of whom might act upon different principles. Political leaders frequently throw out motives, by which to catch and conduct the well-intentioned, differing from those by which they themselves are actuated. Sir Francis did not possess those mollifying arts which the ferment of the times required; and was more ready to aggravate disorders than to apologize for them. It was common for him in his official letters, to stifle the opposition the faction, even while he owned that it comprehended the majority of the assembly. A parental governor would have thrown in many hints to have softened the displeasure of persons in power, on account of offences committed at three thousand miles distance, under an enthusiastic attachment to the cause of liberty, at a period when divers outrages were perpetrated at home, by mobs in various parts of the kingdom. He evidenced too great an inclination to make the worst of

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every thing; and at times hearkened to and transmitted the strangest rumors. He was a principal instrument in bringing the troops to Boston. It was a favorite measure with him and the lieutenant governor, long before it was executed. While he professed himself friend to the province, he was endeavouring to undermine its constitution, and to obtain an essential alteration in the charter, through an appointment of the council by the king, instead of its continuing in the election of the general court, where the representatives of the people necessarily carried it, whenever they united.

Toward the end of June, he had the fairest opportunity of getting the troops removed from the Massachusetts, but opposed the measure. General Gage desired general Mackay to consult with him concerning the necessity of continuing the troops at Boston and to procure his opinion in writing, whether his majesty's service required that troops should remain there any longer, and what number, whether one or two regiments. It is impossible to express his surprise at the proposition. The knowledge of it, so far as it reached, occasioned a consternation among the civil officers of government, its friends, and the importers of goods from Great Britain. Gage, in a letter, requested his opinion, and assured him he should not publish it, nor make it known on this side the Atlantic. He immediately answered, that he had no hesitation to declare his opinion, that it would be detrimental to his majesty's service to remove any of the two regiments remaining, and that it would be quite ruinous to the cause of the crown to draw all the troops out of Boston: but that he was inclined to think, that a regiment in town, and an

er at the castle, might be sufficient. He had time enough in which to have ripened a plan with the court for the removal of the troops, to the joy of the country, and with safety to the civil officers and supporters of government. But he too early, for his own peace and the happiness of his government, deviated from the line of conduct, marked out for him by Lord Halifax, immediately after his appointment, when it was commended to him to see and converse with governor Townall, of whom his lordship wrote in the same letter, "It is impossible to pursue a better plan of government than what he directed himself by." However, his conduct was so agreeable to the ministry, that a title was secured him. He was created a baronet March the twentieth 1769; and his majesty took upon himself the sole expence of passing the patent, which added greatly to the honor done him, as it was a favor seldom or ever before granted. Sir Francis, during his eleven years residence in America, made very little advance in his estate. The Boston sons of liberty had great advantages against him, from the early intelligence procured by the supposed author of Junius Americanus, and forwarded for safety under an unsuspected coarse paper cover, to Mr. Thomas Bromfield, glover, at Boston. Sir Francis was astonished to find, that the contents of his letters from ministry were known by them as soon as by himself. When he embarked from the castle on board the Porpoise man of war for Great Britain, August the first, he lamented his departure. Even his friend, the lieutenant governor Mr. *Hutchinson*, regretted not his recall; but it he gained an opening for succeeding to the chair,

to which he had been long looking, and was in hopes being advanced.

Boston and *New York* entered into the non-importation agreement so early as August the preceding year: before the present was out they began to be embarrassed, as numbers grew weary of their engagement. Advantage was taken of these circumstances. The *British* office either of their own thought or through hints from home offered merchants the liberty of having their goods directed to them as though intended for the army; and many were got in under that cover, especially at *New York*. Several persons imported into *Boston* and *New York* freely, without its being particularly noticed, while few only were called to an account and exposed in newspapers. This occasioned an alarm; and the people

1770. assembled at Faneuil-hall, in consequence of a notification, upon the business of preventing the non-importation agreements being rendered abortive.

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Mr. *Theophilus Lillie*, observing the gross partiality which prevailed in suffering some to sell, while others were proscribed, determined upon selling his goods also. To point him out as inimical to the agreement and a person whose shop was to be shunned, a piece of pageantry was placed before the door. Mr. *Richard* attempting to remove it, was driven into his house by a number of boys, and there attacked by stones through the windows. Provoked, rather than endangered by

Feb. assault, he fired and killed *Christopher Snider*, a lad eleven years old, who was recorded in the public prints as the first martyr to the noble cause of liberty. The boy was buried with the greatest respect imaginable, according to the custom of the country; and such

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22.

The number of people following the corps, that the foot procession extended a full quarter of a mile. The event tended rather to promote than injure the non-importation agreement. Boys, small and great, and undoubtedly men, had been and were encouraged, and well paid by certain leaders, to insult and intimidate those who had avowedly counteracted the combination, and still persevered. The lieutenant governor in April, attempted prevailing upon a merchant of the first estate and character, to promote an association, in opposition to the non-importation agreement, but to no purpose; and received for answer, "Until parliament makes provision for the punishment of the confederacies, all will be ineffectual, and the associates will be exposed to popular rage." Another meeting was called to determine whether the goods already arrived and those expected, could be sent back to Britain. A gentleman having received a letter from a member of parliament, in which it was said, that shipping back 10,000*l.* of goods will do more than storing 100,000*l.* and the same being communicated, the scale, when upon a balance, was turned, and all the importers belonging to the town submitted to send their goods back; and in May many were shipped on board captain *Scott*. The leaders gave out that it was done voluntarily: and yet the major part of the merchants wished to see the trade free from restraint; but having in the height of their zeal, called in the populace as their servants to intimidate those who refused to join in the combination, they were now forced to submit to them as their masters, under the influence of a few of the merchants, who still adhered to their first plan. Several of the last importers begged with tears,

that they might be allowed to house their goods, but it was not granted. One who had been pretty sturdy, had a committee of tradesmen sent him, with an axe-man and a carpenter, at their head, who told him that there were a 1000 men waiting for his answer, and if he did not comply, there was no saying what would be the consequences. The strength of the argument prevailed; and a day or two after the paper published that he complied voluntarily. The *Bostonians* moreover resolved to leave off all trade with the *Newport* people, because of their duplicity, and breaking through the non-importation agreement. The next month *Hartford* followed the example of *Boston*. But about the same time, the *New Yorkers*, by dexterous management, were brought to agree to import "every thing, except such articles as are, or may hereafter be, subject to duty for the purpose of raising a revenue in America." Government gained a party in the committee of merchants, who took advantage of the charges brought against *Boston* of importing large quantities of goods; and Mr. *Hancock* was complained of for suffering them to be brought in his vessels. By these means they prepared the minds of the people for the execution of the plan they had concerted. They did not call a meeting of the citizens in which the vote of the populace, procured by the art of individuals, might prevail; but went through the several wards, and took the sense of the principal inhabitants separately, when it appeared that the majority were for importing. Upon the receipt of letters from *Philadelphia* and *Boston*, the sense of the inhabitants was again taken, and turned out as before. They were severely censured by the *Philadelphians* for their defection

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and by others also. The letter of the committee to the merchants at Boston, informing them what agreement they had adopted, was contemptuously torn to pieces. When those *Yorkers*, who were in the interest of government, began to concert their plan, they rested on assurances of what would be done in parliament, and knew not, for certain, that the duties on glass, paper, and colours, had been taken off; but the news of the pernicious act being so far repealed, reached the continent before they had fully perfected the business on the tenth of July*.

The *New Yorkers* were in general faithful, while their non-importation agreement lasted; more so, it was thought, than the *Bostonians*. These suffered much in their reputation among the sons of liberty at New York and Philadelphia, for the large quantities of goods found by some of the newspaper publications, to have been imported into Boston. Some of the inhabitants were desirous of rolling away much of the reproach, by pointing out, that a considerable part of the goods charged to the score of Boston, belonged to *Salem, Marblehead*, and other ports; but when the non-importation agreements were ended, it was omitted, and thus they continued to lie under greater disgrace than really belonged to them. While the New York plan was carrying on, a trial was made by about a dozen persons, to frighten the gentlemen who were inclined to import from so doing, but it failed; the populace had been secured.

The king gave his assent to the act for repealing the April duties on glass, paper, and colours. The tea duty was^{12.}

* The date of the committee's letter to the Philadelphians, after making the sense of the inhabitants a second time.

professedly continued as a pepper-corn rent, for the point of honor, and as a badge of sovereignty over the colonies. The ministry might also mean to use it in some future period, for deeper purposes than could be then fathomed. They intended in the beginning of the session to bring in a bill against American associations; but the violence of party was such, that it was thought the times would not admit of it. The strong opposition made to ministerial measures at home, was certainly helpful to the cause of the colonies, and encouraged them to go those lengths which they would otherwise have scarce ventured upon. This however was not to be charged to the anti-ministerialists, as an evil for which they were answerable. Let ministers attempt at any time, to make unjustifiable inroads upon the liberties of British subjects, their opponents are bound in duty, as the guardians of the public, to use all warrantable efforts to disconcert them; and the mischief which follows is to be placed to the account of those who render the opposition a necessary measure.

The news of a partial repeal did not satisfy the colonists. But they attempted in vain to keep up the non-importation agreement after the defection of New York. The Boston merchants at length, in a meeting held at the coffee-house in October, unanimously voted to alter it, and adopt the same plan of importing with that of the New Yorkers. It appeared to be the sense of the one and the other, and also of the Philadelphians, that no tea should be imported; and that if any was brought into the several ports, it should be smuggled to avoid paying the duty. The *Virginia* house of burgesses, in a petition to his majesty, expressed their exceeding great concern

concern and deep affliction upon finding that the several Acts imposing duties, for the purpose of raising a revenue in America, were continued; and said, "A partial suspension of duties, and these such only as were imposed upon British manufactures, cannot remove the so well grounded fears and apprehensions of your majesty's subjects, whilst impositions are continued on the same articles of foreign fabric, and entirely retained upon us for the avowed purpose of establishing a precedent against us." The present year was marked by a different scene of blood than what offered in February, which could not be introduced in the order of time, without breaking the thread of the preceding narration.

Outrages had been committed by the soldiers; and frequent quarrels had happened between them and the inhabitants of Boston, who viewed the military as come to drag them into obedience to statutes, instructions and mandates, that were thoroughly detested. Each gave rise to new occurrences which augmented the animosity. Reciprocal insults soured the tempers, and mutual injuries imbibed the passions of the opposite parties. Beside, some fiery spirits, who resented the indignity of having soldiers quartered among them, were continually exciting the towns people to quarrel with the troops. Not only so, but a pompous newspaper account of a victory obtained by the inhabitants of New York over the soldiers there, in an affray, undoubtedly excited the resentment of the military at Boston, and exultations among their opponents, and thus increased the ferment. Every thing tended to a crisis; and it is rather wonderful that it did not exist sooner, when so many circumstances united to hasten its approach. The
lieutenant

lieutenant governor did not attend to these things properly; and was not sufficiently careful to prevent consequences, by strongly urging the officers to keep their men in the barracks as much as possible, and to maintain the strictest discipline. He was desirous of recommending himself both to them and the commissioners; and therefore was very cautious lest he should offend either.

At length a private of the twenty-ninth regiment Mar. passing along in the morning near Mr. John Gray's rope
2. walk, being provoked by insulting words, resented it and being overpowered, went off, but soon returned with a dozen soldiers, between whom and the rope-makers an affray ensued, which terminated in the defeat of the former; who in the afternoon, armed themselves with clubs, and were on their way to renew the action, but were stopped. On this many of the towns people were so enraged, that they determined upon fighting it out with the soldiers on the Monday. The Rev. Dr. Eliot was told of the determination on the Saturday; and was also informed, that the bells were to be rung to assemble the inhabitants together; so that when on the Monday evening he heard them ring, he was not alarmed with an apprehension of its being on account of a fire breaking out in the town, which is generally the case. It does not appear that any militia were called in before the firing upon the people, or that any regular plan was formed for compelling the troops to move from the town: it is absurd to think, on the other hand, that there was a settled plot for employing the soldiers to massacre

* The Doctor's account to me, when discoursing upon what called the *massacre*.

the inhabitants. But from the characters, principles, and politics of certain persons among the leaders of the opposition, it may be feared, that they had no objection to a rencounter, that by occasioning the death of a few, might eventually clear the place of the two regiments. That some design was on foot, which might be attended with danger in the execution, may be gathered from lieutenant colonel Marshall's saying, when giving evidence for the crown—"The bells were ringing, and the people began to collect as they do at the cry of fire, and I began to think it was fire. I had a mind to go out, but had a reluctance, because *I had been warned not to go out that night*;" meaning in which the men were shot*.

Between seven and eight o'clock at night, unusual numbers are met coming from the south end of the town⁵ with sticks in their hands, and serious consequences are apprehended from it. About the same time, parties amounting in the whole to near two hundred, several with great sticks or clubs, proceed from the north end, some of whom say, "let us go to the south end and join our friends there, and attack the damned scoundrels, and drive them out of the town; they have no business here." More people than common, with large sticks, are observed running from all quarters toward King-street. The north end parties collect in and about Dock-square, and attack several soldiers belonging to Murray's barracks about nine o'clock: upon an officer's coming up, these are ordered to their barracks, and when got in, with much difficulty, are immediately confined. The mob follow the officer to the gate, and provoke the soldiers by the most abusive language, and

* The trial of the soldiers, p. 52.

dare them to come out. They are hardly restrained by their officers from doing it. While these things are transacting, some are calling *town-born turn out*, twenty or thirty times over; others cry *fire, fire*, in different places, the more effectually to draw people out of their houses, and to increase their numbers; and soon after the nine o'clock bell has ceased, the bells are set a ringing, which those who are not better informed, imagine to be the alarm of fire.

Upon the foldiers being restrained to the barracks, the mob are desired by one or more confederate persons, to return home. A few comply, but the generality have something further to engage their attention. Numbers employ themselves in tearing up the stalls of the market-place in Dock-square, for the purpose they express while calling out, "Damn the dogs, where are they now? Let us go and kill that damned scoundrel of a sentry, and then attack the main-guard." The body of the mob when they have finished their repeated attacks upon the barracks, are addressed in the street by a tall large man in a red cloak and white wig. After listening to what he has to offer in the space of three or four minutes, they huzza for the main-guard, and say, "We will do for the foldiers." They separate into three divisions, and take different routs for King-street, one through the Main-street. A party, who have collected at Oliver's-dock, bend their course toward the same point. In the mean time, the sentry before the Custom-house is assaulted while upon duty. A boy comes up, and pointing to him, says, "There is the son of a bitch that knocked me down." About twenty young fellows, eighteen years old, call out, "kill him, kill him, knock

knock him down." Their behaviour obliges him to load his gun. They pelt him with snow-balls, pieces of ice, and any thing that offers, and halloo "fire and be damned." They advance upon him; oblige him to retreat; he mounts the steps, and knocks at the door for admission. Meeting with no relief in this way, more persons collecting in the street, and his danger increasing, he calls out to the main-guard, within hearing, for protection. Captain Preston, the officer of the day, being told that the ringing of the bells is the signal for assembling the inhabitants to attack the troops, repairs to the main-guard; and learning the situation of the sentry, sends off a corporal and six men to protect both him and the king's chest in the custom-house. The soldiers march off with their pieces unloaded, and the captain follows to prevent disorder. Ere they have formed, that part of the mob, which comes through the Main-street, and appears to be headed by the mutatto Attacks, and to contain a number of sailors, upon coming to the town house, exclaim—"Damn the rascals, this will never do; the readiest way to get rid of those people, is to attack the main-guard, strike at the root, this is the nest." The soldiers are pelted while going to defend their comrade; and, when upon their station, are served as was the single sentry, have snow-balls, large pieces of ice, sticks, and other things thrown at them, and are obliged to load for their own safety. The reproachful language with which they are abused, exclusive of a plenty of oaths and execrations, is, "Come on you rascals, you lobster scoundrels, you bloody-backs, you cowards, you dastards for bringing arms against naked men; fire if you dare; fire and be damned,

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we know you dare not," and much more to the same purpose. The reason for saying, "you dare not fire," is probably to be found in the doctrine lately advanced, "that soldiers, while on duty, may upon no occasion whatever fire upon their fellow subjects, without the order of a civil magistrate." The mob press in upon the soldiers; advance to the points of the bayonets; are desired to keep off; and are treated with cautious attention. This may be owing to apprehensions of danger to themselves in case of a contrary conduct. The shouts, huzzas, threats, screams, and almost yells of the mob, with the ringing of the bells to increase the general confusion, may justly alarm them; but their precaution soon avails nothing. While they are pushing off the people, without once leaving their station or attempting to follow them, the Mulatto, and about a dozen persons, several in sailors habits, come down to the spot, give three cheers, surround the soldiers, and strike their guns with clubs, crying out to the others, "Do not be afraid of them, they dare not fire; kill them; kill them; knock them over." The Mulatto aims a blow at captain Preston, strikes down one of the guns, seizes the bayonet with his left hand, and shows a hardy disposition answering to the threats which have been uttered. At this instant, there is a confused cry of "damn your bloods, why don't you fire," and partly from persons behind the captain. Firing succeeds. Montgomery, whom the Mulatto has assaulted, after recovering his legs, and relieving his gun by a sudden twitch, is the first that fires, and his assailant falls. After six or eight seconds, another fires, the other five follow in quick succession. It is agreed, that only seven out

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the eight foldiers discharge their pieces, and that one fires twice. Three persons are killed; five are very dangerously wounded, and a few slightly. Most are either passengers going through the street, or assisting spectators. It is well that no more are killed, considering that there were from fifty to a hundred about the foldiers. They ran off at the firing, but soon assemble again to take away the dead and wounded.

The whole town is immediately in the greatest commotion. Their drums beat to arms, and there is a constant calling out "to arms, to arms, turn out with our guns." The townsmen assemble in the next street, to the amount of some thousands. The lieutenant governor repairs to captain *Preston*, and upon coming up asks him, "how came you to fire upon the people without the orders of a civil magistrate?" The captain begins to apologize for what had happened, by saying, "*we were insulted*;" and is about adding more, but recollecting the impropriety of the place, stops short, and asks Mr. *Hutchinson* to walk up into the guard room, where he means to finish what he has begun; but the lieutenant governor goes to the council chamber. The captain's words are observed by some gentlemen, who attend Mr. *Hutchinson*, and are considered as conceding to the implied charge of having given direction to fire; and are remembered to his disadvantage. Mr. *Hutchinson* cannot avoid exposing himself in the midst of the enraged inhabitants, upon whom he prevails to disperse all morning. It having been a clear moon light night, persons have been enabled to distinguish what passed.

The next morning the people collect in vast bodies. The Mar, lieutenant governor summons a council. Before any^{6.} debate

debate commences, lieutenant colonel *Dalrymple*, and lieutenant colonel *Carr* attend, being informed, that they may if they will. The town meets in full assembly and choose a committee, who, while the business is largely discussing in council, wait upon the lieutenant governor and deliver him a message, declaring, "It is the unanimous opinion of the meeting, that nothing can rationally be expected to restore the peace of the town and prevent blood and carnage, but the immediate removal of the troops." Colonel *Dalrymple* signifies to Mr. *Hutchinson*, his readiness to place the 29th regiment, which has rendered itself in a special manner obnoxious, in the barracks at the castle.

In the afternoon the lieutenant governor receives another message, acquainting him, that it is the opinion of the meeting, consisting of near three thousand people, that nothing but a total and immediate removal of the troops will satisfy. Mr. *Samuel Adams*, one of the committee, in his venerable grey locks, and with hands trembling under a nervous complaint, tells colonel *Dalrymple*, "If you can remove the 29th regiment you can also remove the 14th; and it is at your peril if you do not;" and continues talking to him, in such a resolute tone and with such strong implications, nearly to communicate the trembling to the colonel. Mr. *Hutchinson* wishes to get clear of the council, but finds it impossible; and therefore lays the matter before them. Several declare their apprehensions of more bloodshed, unless the troops are removed. Mr. *Roy Tyler* in his zeal for effecting it, says to him, "It is not such people as formerly pulled down your house, who conduct the present measures. No; they are people of

the best characters among us, men of estates, men of religion. They have formed their plan for removing the troops out of town; and it is impossible they should remain in it. The people will come in from the neighbouring towns; there will be ten thousand men to effect the removal of the troops, who will probably be destroyed by the people, be it called rebellion, or occasion the loss of our charter, or be the consequence what it may." When Mr. Tyler said, *they have formed their plan*, it was not to be understood, that the plan was formed before, but subsequent to the bloodshed of the preceding evening. His representations might be aggravated: even when there is not a natural cast for hyperbole, persons inflated by passion, will imperceptibly have a recourse to the figure. Mr. Hutchinson tells the council, "Nothing shall ever induce me to order the troops out of town." They, upon that, unanimously advise him to request colonel Dalrymple to order them to the city. To the colonel he says, "I have nothing to do with it, it lies wholly with you." While they are pressing him, the people are informed, that the colonel is ready to remove the regiments, if the lieutenant governor will only join in desiring it. He inclines to stand aloof, and to leave it with the colonel and council to settle, as they can agree about the business. He deliberates till near night, dreading lest any one measure he may attempt, shall lessen him in the opinion of the ministry and endanger his advancement. At length the secretary, Mr. Oliver, perceiving how artfully matters are managed, whispers him in the ear, "You must either comply or determine to leave the province." This prevails; he complies with the advice of the council; and

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the general ferment begins to subside. The troops however, are not removed so early as is expected from the town; they continue till the next Monday; and upon the colonel's being asked the reason, he mentions that it lies at the door of the lieutenant governor, who shuffles with the colonel, in hope that some occurrence will exist, which may exempt him from being charged with occasioning the removal of the troops by the interposition of his advice.

Mean while captain Preston and his party are committed to jail. One of the wounded men dies. It is determined to bury the four persons * in one vault, and Mar. in a peculiarly respectful manner. The generality of 8. shops in town are shut. All the bells of *Boston*, *Charlestown*, and *Roxbury*, are ordered to toll in the most doleful tone. The corpses form a junction in King's street, where they fell when the soldiers fired. Hence they proceed in orderly succession through the market street, followed by an immense concourse of people, numerous as to be obliged to go in ranks of six abreast, and the whole closed by a long train of carriages belonging to the principal gentry of the town. Thus they distinguished and honorably attended to the place of interment, with unparalleled pomp, not on account of personal merit, but to express the vehement indignation of the inhabitants against the slaughter of their brethren, by the British soldiery quartered among them, and the violation, as they imagine, of their civil liberties.

* Samuel Gray, Samuel Maverick, James Caldwell, and Christopher Attucks. Samuel Gray was a journeyman, and wrought the rope-walks belonging to Mr. John Gray the rope-maker.

Captain Preston's trial begins. Messrs. John Adams and Josiah Quincy are his council. They are warm in the cause of liberty, and offend several of their own party in undertaking the defence of the prisoner; but faithfully employ their distinguished abilities in his behalf. The trial does not finish till the thirtieth. While carrying on, Mr. Quincy pushes the examination and cross-examination of the witnesses to such an extent, that Mr. Adams, in order to check it, is obliged to tell him, that if he will not desist, he shall decline having anything further to do in the cause. The captain and his friends are alarmed, and consult about engaging another counsellor; but Mr. Adams has no intention of abandoning his client. He is sensible that there is sufficient evidence to obtain a favorable verdict from an impartial jury; and only feels for the honor of the town, which he apprehends will suffer yet more, if the witnesses are examined too closely and particularly, and by that mean more truth be drawn from them than what has an immediate connection with the soldiers firing, by and without the orders of the captain. When the trial is ending, judge Lynde, toward the close of his speech says, "Happy I am to find, after such strict examination, the conduct of the prisoner appears in so fair a light; yet I feel myself deeply affected, that this affair turns out so much to the disgrace of every person concerned against him, and so much to the shame of the town in general." The jury return their verdict—Not guilty.

On Tuesday commences the trial of William Wemms, Nov. Jones Hartegan, William M^cCauley, Hugh White, Matthew Killroy, William Warren, John Carrol, and

Hugh Montgomery, soldiers in the 29th regiment, for the murder of Crispus Attucks, Samuel Gray, Samuel Maverick, James Caldwell, and Patrick Carr, the last of whom did not die till ten days after he was wounded. The soldiers have the same council that was engaged for their captain. The trial is continued from day to day, Sunday excepted, till Wednesday December the fifth. Attempts were made to prejudice the people against the prisoners, one especially in a certain weekly paper the day before the trial began. The publication included an insult on the supreme court, and expressed the greatest malignity of heart. To counteract the baneful effects of all such proceedings, Mr. Quincy, in his address to the justices and jury, observes—"We must steel ourselves against passions, which contaminate the fountain of justice. Let it be borne deep upon our minds, that the prisoners are to be condemned by the evidence *here in court* produced against them, and by nothing else. Matters heard or seen abroad, are to have no weight; in general they undermine the pillars of justice and truth. As though a series of *ex parte* evidence was not enough, all the colours of the canvas have been touched in order to freshen the wounds, and by a transport of imagination, we are made present to the scene of action. The prints exhibited in our houses have added wings to fancy, and in the fervor of our zeal, reason is in hazard of being lost. The pomp of funeral, the horrors of death have been so delineated as to give a spring to our ideas, and inspire a glow incompatible with sound, deliberate judgment. In this situation, every passion has alternately been predominant. They have each in turn subsided in degrees, and they

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have sometimes given place to despondence, grief, and sorrow. How careful should we be, that we do not mistake the impressions of gloom and melancholy, for the dictates of reason and truth! How careful lest borne away by a torrent of passion, we make shipwreck of conscience!

“Many things yet exist sufficient to keep alive the glow of indignation. I have aimed at securing you against the catching flame. I have endeavoured to discharge my duty in this respect.—What success will follow these endeavours, depends on you, gentlemen. If being told of your danger, will not produce caution, nothing will. If you are determined in opinion, it is vain to say more; but if you are zealous inquirers after truth; if you are willing to hear with impartiality, to examine and judge for yourselves, enough has been said to apprize you of those avenues, at which the enemies of truth and justice are most likely to enter, and most easily to beset you.”

When the evidence in favor of the prisoners is finished, Mr. Quincy resumes his address.—“I stated to you, gentlemen, your duty in opening this cause. I pointed out the dangers to which you were exposed. How much need was there, that you should suspend your judgment till the witnesses were all examined! How different is the complexion of the cause? Will not all this serve to show every honest man the little truth to be attained in partial hearings? This trial ought to have another effect, should serve to convince us all of the impropriety, nay, injustice, of giving a latitude in conversation upon topics likely to come under a judicial decision; the criminality of this conduct is certainly enhanced, when

such loose fallies and discourſes are ſo prevalent as to be likely to touch the life of a citizen. In the preſent caſe, how great was the prepoſſeſſion againſt us! and I appeal to you, gentlemen, as to what cauſe there now is to alter our ſentiments."

In the courſe of pleading, he is under a neceſſity of ſaying, " And here, gentlemen, I muſt firſt tell you by what law the priſoners are *not* to be tried or condemned. And they moſt certainly are *not* to be tried by the *Mosaic* law: a law we take it, eſpecially deſigned for the government of a peculiar nation, who being in ſuch great meaſure under a theocratical form of government, its institutions cannot, with any propriety, be adduced for our regulation in theſe days. It is with pain therefore, I have obſerved any endeavour to miſlead our judgment on this occaſion, by drawing our attention to the precepts delivered in the days of Moſes: and by diſconnected paſſages of ſcripture, applied in a manner foreign to their original deſign or import, there ſeems to have been an attempt to touch ſome peculiar ſentiments which we know are thought to be prevalent; and in this way we take it, an injury is like to be done, by giving the mind a bias it ought never to have received, becauſe it is not warranted by our laws."

" We have heard it publicly ſaid of late, oftener than formerly, *Whoſoever ſheddeth man's blood, by man ſhall his blood be ſhed.* This is plainly, gentlemen, a general rule, which like all others of the kind muſt have its exceptions—a rule, which if taken in its ſtrict literal latitude, would imply, that a man killing another in ſelf-defence, would incur the pains of death—a doctrine that certainly never prevailed under the *Mosaic* institution

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ation; for we find the *Jews* had their six cities of refuge, to which the man-slayer might flee from the avenger of blood." Let it be observed, en passant, that as it was ordained that the man-slayer should abide in the city of refuge till the death of the high priest, so every person to escape such confinement and restraint, would be extremely careful lest he should prove the casual occasion of another's death; and would not venture upon gratifying a settled or sudden evil disposition, by needlessly slaying a fellow creature, because it would pass for chance-medley. But to go on in company with Mr. Quincy. "And so, that *the MURDERER shall flee to the pit*, comes under the same consideration. And when we hear it asked, as it very lately has been, "Who DARE slay him?" I answer, if the laws of our country say him you ought to do likewise; and every good subject *dares* to do what the law allows. But the very position is *begging the question*; for the question now in issue is, whether either of the prisoners is *a murderer* in the sense of our laws: what is murder and what not, is *question of law* arising upon facts stated and allowed."

"Again," you shall take no satisfaction for the life of *murderer*, who is *guilty of death*." Here again is a *begging the question*; and moreover the words *guilty of death*, if rightly considered, must be one of those general rules which always have their exceptions. But in the margin of our great bible, we find them rendered *faulty to die*. Against a position of this kind we have no objection. If we have committed *a fault*, on which our laws inflict the punishment of *death*, we must suffer. But what fault we have committed, you are to inquire: or rather you, gentlemen, are to find the *facts proved*

in court against us, and the judges are to see and consider what the law pronounces touching our offence, and what punishment is thereby inflicted as a penalty."

Mr. John Adams, in his pleadings, produces from the best authorities, those rules of law which must govern all cases of homicide, and particularly that which is before the court; and then considers the evidence to see whether any thing has occurred that may be compared to the rules of law. He enters into a minute consideration of every witness produced on the crown side; and endeavours to show from the evidence on that side, that the assault upon the party was sufficiently dangerous to justify the prisoners; at least, that it was sufficiently provoking to reduce to manslaughter the crime even of the two, who are supposed to be proved guilty of having killed. He then proceeds to consider the testimonies of the witnesses for the prisoners; and concludes with—"I will enlarge no more on the evidence, but submit it to you, gentlemen.—Facts are stubborn things; and whatever may be our wishes, our inclinations, or the dictates of our passions, they cannot alter the state of facts and evidence: nor is the law less stable than the fact. If an assault was made to endanger their lives the law is clear, they had a right to kill in their own defence. If it was not so severe as to endanger their lives, yet if they were assaulted at all, struck and abused by blows of any sort, by snow-balls, oyster-shells, cinders, clubs, or sticks of any kind; this was a provocation, for which the law reduces the offence of killing down to manslaughter, in consideration of those passions in our nature, which cannot be eradicated. To you

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candor and justice I submit the prisoners and their cause."

"The law, in all vicissitudes of government, fluctuations of the passions, or flights of enthusiasm, will preserve a steady undeviating course: it will not bend to the uncertain wishes, imaginations, and wanton tempers of men. To use the words of a great and worthy man, a patriot, and an hero, an enlightened friend of mankind, and a martyr to liberty, I mean ALGERNON SIDNEY, who from his earliest infancy fought a tranquil retirement under the shadow of the tree of liberty, with his tongue, his pen, and his sword, "The law (says he) no passion can disturb. 'Tis void of desire and fear, lust and anger. 'Tis *mens sine affectu*; written reason; retaining some measure of the divine perfection. It does not enjoin that which pleases a weak, frail man, but without any regard to persons, commands that which is good, and punishes evil in all, whether rich or poor, high or low. 'Tis deaf, inexorable, inflexible." On the one hand it is inexorable to the cries and lamentations of the prisoners; on the other it is deaf, deaf as an adder to the clamors of the populace."

The judges, when summing up the evidence to the jury, and giving their opinions of the constructions of law upon the evidence, apply themselves to the removing of those bad impressions, which may possibly have been made upon the jury by the misconstruction of scripture passages. Says one of them—"In the course of this year you doubtless have heard much of the law given to the *Jews*, respecting homicide, as well as of the precept given to Noah, that *whofo sheddeth man's blood, by man shall his blood be shed*. Whence it has been in-

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ferred,

ferred, that whosoever *voluntarily* kills another, whatever the inducement or provocation may be, is a *murderer*, and as such ought to be put to death. But surely not only the avenger of blood, and he who killed a thief breaking up a house in the night, were exceptions to that general precept, but also he who killed another in his own defence. Even the Jewish doctors allowed this, and that justly; because the right of self-defence is founded in the law of nature." It appears upon the trial, that the facts related above, under the fifth of March, are well attested. There are no less than *thirty-eight* witnesses to prove a design to attack the soldiers, six of whom the council for the king have produced. Nigh *thirty* witnesses have sworn to words of provocation uttered against the prisoners, as daring them to fire, and threatening to kill them: and *twenty-five* have witnessed to *ice, snow-balls, sticks, &c.* being thrown at them, ten of whom are witnesses for the crown. There is evidence that Patrick Carr, one of the deceased, repeatedly declared, and confirmed the same but a few hours before he died—that he went with a design against the soldiers; that he thought they were abused and would have fired before; that he forgave and did not blame the man, whoever he was, that shot him; that he blamed himself for going to the riot, and might have known better, for he had seen soldiers called to quell riots, but never saw any bear half so much before. The jury withdraw for about two hours and a half. Upon comparing the evidence, they cannot be convinced that the soldiers were not too hasty in firing. Was there evidence of all having fired, they would convict all of manslaughter; but it is agreed on all hands, that no

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more than seven guns were fired, consequently one is innocent, and they choose that the guilty shall escape rather than one innocent person be convicted*. They return into court and agree, that as to Wemms, Hartegan, McCauley, White, Warren and Carrol, they are not guilty, on which they are immediately discharged. As to Killroy and Montgomery, they agree that they are not guilty of murder, but of manslaughter. Both pray the benefit of clergy, which is allowed; each is burnt in the hand, in open court, and discharged. The trial has been long, but the issue of it, as well as of that Dec. of the captain's, may be brought in proof of the integrity of Boston juries, venturing to give upright verdicts in defiance of popular opinions.

Edward Manwaring esq; John Munroe, gentleman, 12. Hammond Green, boat-builder, and Thomas Greenwood, laborer, were tried for being present, aiding, assisting, &c. William Warren in the murder of Crispus Attucks. The whole evidence consisted in one witness's declaring that he saw two flashes from the custom-house, one from the balcony, the other from a chamber window, and a person in the balcony with a gun or pistol in his hand; and in the testimony of a French boy, servant to Mr. Manwaring, who swore to his being at the custom-house when the soldiers fired, and to a story of persons firing out of the chamber window. The falshood of the whole evidence was immediately detected by a number of the most creditable witnesses, so that the jury acquitted the prisoners without going from their seats.

* Lieutenant governor Hutchinson's letter of December 10, 1770.

In the pleadings upon the trials (of the soldiers especially) Mr. John Adams discussed the subject of homicide so largely, and showed so fully by what a variety of circumstances it was reduced to manslaughter, that the popular leaders perceived the necessity of altering their plan of opposition to the military, and from thenceforward promoted a particular attention to the militia and the manual exercise, that the country might be qualified for repelling arms by arms, whenever the same should be requisite for the preservation of their liberties.

The ferment occasioned by the ministerial measures did not subside in the *New York* colony any more than in the *Massachusetts*.

About the middle of January and at night, the *liberty-pole* was cut down by the soldiery, which enraged the inhabitants, and produced much disturbance and riot afterward between them and the troops. The soldiers posted up papers about the city against the sons of liberty, which occasioned a considerable affray. The opposition soon expressed their determination to persevere, by erecting a new *liberty-pole*, strongly secured with iron to prevent its being demolished. The *May-poles* in different parts of the continent had changed their names, or given place to *liberty-poles*, after the exhibition upon the liberty-tree at Boston during the stamp-act. The conduct of the soldiers was probably owing to the measures which had been taken the preceding month, in order to prevent the assembly's granting money for the support of the troops. The assembly had in their former session, voted to supply his majesty's troops quartered in the colony, which gave great umbrage. To quiet the people they made a unanimous declaration,
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that it should be the last supply they would ever grant, until their grievances were redressed, and it gave satisfaction. But the house in the present session, passed a vote for a further supply of 2000*l.* which greatly inflamed the minds of the inhabitants. Two papers were published upon the occasion: the one addressed *to the betrayed inhabitants of the city and colony of NEW YORK*, and signed A SON OF LIBERTY: the other signed LEGION, desiring the inhabitants to meet in the fields. The papers were voted *false, seditious, and infamous* libels by the assembly, who desired the lieutenant governor to issue out proclamations, offering rewards for the discovery of the authors, 100*l.* for the first, and 50*l.* for the last. A stripling who had been journeyman to the printer of the first, but discharged for bad behaviour, allured by the proffered reward, lodged a complaint against his late master, who was terrified into a discovery of Mr. *McDougall* as the publisher. Mr. *McDougall* was by the chief justice's warrant brought before him, and upon Feb. refusing to give bail was committed to jail. In conse-^{8.} quence of the second paper, about fourteen hundred inhabitants met, and appointed Mr. *John Lamb* to propound questions relative to the vote of the assembly. After explaining it, the question was put, "Do you approve of the vote?" *No*, was the answer. He proceeded, "Are you for giving money to the troops, on any consideration whatsoever?" It was again *No*. There were but about half a dozen for the affirmative upon either of the questions. He then asked, "Will you appoint a committee to communicate the whole of this transaction to your members?" *Yes*, was the word. They then appointed for the committee, Messrs. *Isaac*
Sears,

Sears, Casper Wistar, Alexander M'Dougall, Jacobus Van Zandt, Samuel Broome jun. Erasmus Williams, and James Van Vaurk. The meeting in the fields, and the transactions at it, were several weeks before the discovery and commitment of Mr. *M'Dougall*. Mr. *Lamb* was called before the house to answer for his conduct; but in the mean time the committee wrote to the speaker, acknowledging themselves, in every respect, parties with him, and answerable for each step that had been taken, and ready to defend their conduct in a constitutional manner. When Mr. *Lamb* appeared before the assembly, he told them that he had assembled with the rest of his fellow citizens, and had proposed *questions*, which as a citizen, a freeman, and an *Englishman*, he had a right to do, and was surprised to hear it controverted. The house finding that they had to do with men of sense and resolution, who were determined upon supporting the rights of their countrymen and fellow citizens, gave up the point and dismissed them. Their vote of 2000*l.* for the troops soon passed into a law: but the deficiency demanded by the lieutenant governor as arrears, amounting to upward of 1000*l.* was left unpaid. Had there been a provision for the arrears, the compliance with the mutiny act would have been formal and complete. That matters were carried so far must be attributed to an extraordinary and sudden coalition in the assembly between politicians, who had long been at mortal variance.

April The grand jury found a bill against captain *M'Dougall*, but the trial was put off; and he was bailed out of jail. When the house met again toward the close of the year, he was ordered to attend at their bar. The speaker

speaker asked him whether he was the author or publisher of the address, &c. He declined answering, and assigned his reasons. It was resolved, that in his reply he denied the authority of the house, and was therefore guilty of a high contempt. On his refusing to ask pardon of the house, he was ordered into custody, and the speaker issued his warrant to the jail keeper of the city to receive and keep him prisoner, until he should be discharged by due course of law. He remained in jail till the assembly was prorogued on the 25th of the following February 1771, when he was enlarged after a confinement of near three months. It was not till March the 27th that he was discharged from his recognizance, by the supreme court then sitting at *New York*, (without having been brought to a trial) after having been under bonds for near twelve months, and suffered twenty and three weeks actual imprisonment. He was the first sufferer for liberty after the commencement of the united efforts of the American sons, to frustrate the ministerial plans for encroaching upon, and eventually subverting their long claimed and enjoyed rights and privileges. This honor belongs to a gentleman born in Scotland, and who is indeed, what he signed himself, *A Son of Liberty*. He bore his imprisonment with fortitude; but the disagreeableness of it was much lessened, and the disgrace of it wholly removed, as the citizens of the highest and best characters, ladies and gentlemen, resorted to the place of his confinement. His character as well as his cause was good; so that the most virtuous espousers of the latter, were neither afraid nor ashamed, by their repeated visits, to afford him their public countenance.

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The *Massachusetts* again demands your attention.

May 31. The new general court met at *Cambridge*; the house remonstrated against being held there, or at any other place than *Boston*; and by a majority of 96 out of 102, voted it to be a very great grievance, and resolved not to do business out of *Boston*; on which the lieutenant governor prorogued them.

July 25. They met again, but the assembly refused to do business; and in their message to Mr. *Hutchinson*, insisted upon the right of the people to appeal to heaven in disputes between them and persons in power, when there is an abuse of power; but they softened what they advanced, by saying "We would, however, by no means be understood to suggest, that this people have occasion at present to proceed to such extremity;" and yet they afterward added, "these and other grievances and cruelties, too many to be here enumerated, and too melancholy to be much longer borne by this people, we have seen brought upon us by the devices of the ministers of state." They were prorogued afresh.

Sept. 26. They met a third time. The lieutenant governor told them, that the garrison at the castle in the pay of the province was to be withdrawn by order of his majesty, and the fortress to be garrisoned by his regular forces. His orders were to deliver the possession of the fort to such officer as general *Gage* should direct to take the command of it. The information excited a suspicion in the assembly, who despaired of obtaining a removal to Boston by persisting in a refusal to do business; the leaders therefore procured this vote: 29. "Resolved, that next Wednesday (October 3) be observed by the two houses as a day of prayer, to seek the

Lord

Lord for his direction and blessing," which went up to the council, and was unanimously concurred. Men of profane cast are too prone to ridicule religion, because of its being thus made a stalkinghorse to serve the purposes of politicians. Would they confine their wit and satire to the parties offending, the correction would be proper. But let not the well-intentioned and undesigned children of devotion, be charged with hypocritical ranting, because they are imposed upon and duped by the subtilty of guides, who, like most thorough-paced politicians, can change themselves into angels of light, that they may perfect their devices.

The house resolved to proceed to business from absolute necessity, protesting against the restraint the general court was held under to do it out of *Boston*. A few days after, they sent to the lieutenant governor to know whether he held the command of the *Castle*. "If in the custody and government of that fortress," said they, "is now lodged with the military power, independent of the supreme civil magistrate within this jurisdiction, is so essential an alteration of the constitution as must justly alarm a free people." His answer was so worded, as to leave the assembly, in general, ground for concluding, that the military in the castle were dependent upon himself the same as were the provincials. When he delivered it up, he repaired thither, sent for the keys, and upon colonel *Dalrymple's* coming into the state room with his officers, gave them to him, and lodged with him the custody and government of the fort; he retained some trifling appearances of superior command. He soon learnt however, that he could not

come at a flag when in want of it, or even oars for a boat, without applying to general Gage.

Nov. 6. The representatives resolved, that the merchants having receded from their non-importation agreement, &c. they would discourage prodigality, extravagance, and the use of foreign superfluities; and promote industry, frugality, and their own manufactures in the several towns they represented.

7. They appointed a committee of correspondence to communicate intelligence to the agent and others in Great Britain, and to the speakers of the several assemblies through the continent, or such committees as they have appointed or may appoint.

Before the lieutenant governor prorogued them, he observed to them, that since they had discovered a resolution to remove unnecessary obstacles, they had done more business, notwithstanding all the inconveniencies from the place of holding the court, which they had insisted upon, than he remembered to have been done in the like space of time, since he had shared in public affairs.

1771.
April 3. The following spring session produced nothing very material, but afforded him the pleasing opportunity of acquainting the general court, in form, of his being appointed captain general and commander in chief over the province. The council presented a congratulatory address, and expressed their satisfaction at his appointment. Upon the question in the house of assembly whether to appoint a committee to prepare an address there was a negative. The house however, afterwards requested the removal of the general court to Boston which was not granted.

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They met, as the year before, at *Cambridge*. In three ^{May} weeks the assembly protested against his excellency's ²⁹ convening them there, and afterward appointed a committee of correspondence.

The governor informed the house, that by his ma- ^{July} ty's instruction, he was forbidden giving his consent ⁴ to such an act as subjects the officers of the crown to taxed, by the assessors in the towns where they reside, the profits which they receive from their commissions, although their offices have no relation to the province, so that the tax-bill must be qualified.

The house, by message, expressed their surprise and ⁵ alarm at the reason assigned for his not assenting to the bill, and said, "We know of no commissioners of his majesty's customs, nor of any revenue his majesty has a right to establish in *North America*. We know we feel a tribute levied and extorted from those, who, they have property, have a right to the absolute disavowal of it."

Had it been known, how insignificant the taxes were which the officers of the crown were required to pay, it is hard to conceive how wisdom could have dictated such instruction, and have ventured to give a fresh dissent to those, who were already too much irritated. However, the governor's instructions did not oblige him to confine the general court to *Cambridge*, and he might have removed them to *Boston*; but by showing a firmness in opposing their desires, while they protested against the restraint they were under, he meant to recommend himself to the ministry. By the same intention he was induced, in a great measure, to refuse his consent to the grants made to Mr. *Bollan* and Mr. De

Berd's executors by this assembly, as he had done respect to those made by the preceding. These refused to keep up the animosity.

The disposition to import goods into the Massachusetts, in defiance of the laws of revenue and trade, and to support such practices by open violences upon the officers, whose duty it was to carry the laws into execution, broke out upon many occasions; and as usual the magistrates declined giving their assistance and support, being in principle opposed to such laws, as fundamentally defective in point of rectitude. The disposition to import goods prevailed in the other colonies; but there was no call to go into the like of violences.

Dec. 3. Mr. Otis jun. was carried off in a post-chaise, bound hand and foot, his reasoning powers being wholly ranged. This calamity, which somewhat lessens the weight of opposition to ministerial measures, is to be imputed, not to any effects of the affray with Mr. *Bin-son*, but rather to the high tone given to his animus by the strength of his passions, and a failure at the point of temperance. The sons of liberty who have sustained an excessive loss, had this event take place in the early stage of the opposition; but they had brought so many able persons of similar sentiments into the general court, who had been in training for years and were conversant with the political management of public business, that the plans of the Massachusetts governmental party suffered no derangement.

An opportunity now offers of mentioning, that Alexander Gilmour baronet, and George Dempster were the gentlemen who so nobly distinguished them-

ves by voting for the repeal of the stamp-act, while the other Scotch members present voted against it. [see p. 204 at the top.]

After what has been written and transmitted, you will oblige yourself under an obligation to return me speedy information of all that is doing in Great Britain, relative to the American colonies.

L E T T E R V.

Roxbury, June 25, 1773.

THE annual elections of the *Massachusetts* were in 1772. in favor of the friends to colonial liberty; but the state of Mr. Otis's mind necessarily occasioned his being left out of the list of the *Boston* representatives.

The general court still met at *Cambridge*, but the governor adopted a conciliating measure, in declining to negative Mr. *Hancock*, who was again chosen one of the council. He had been repeatedly chosen, and till now repeatedly negatived; he declined however, taking his seat at the board, choosing to remain in the assembly one of the *Boston* members.

Mr. *Hutchinson* acquainted the house, in answer to a June message, that his majesty had made provision for his support; and then, after requiring the opinion and advice of the council, upon their oaths, whether he might now remove the general court to *Boston*, consistent with

the signification of his majesty's pleasure to him, and receiving their unanimous opinion and advice in the affirmative, adjourned them to meet at Boston. He might have asked and received that very advice long before.

July 10. A committee having been appointed to consider the matter of the governor's support being provided for the king, reported and observed, "That the king providing for the support of the governor is a most dangerous innovation. It is a measure whereby not only the right of the general assembly of this province is infringed, but the highest indignity is thrown upon it. It is an infraction of the charter in a material point, where a most important trust is wrested out of the hands of the general assembly." And the house, the same day, declared by a message to the governor, "That the making provision for his excellency's support, independent of the grants and acts of the general assembly, and his excellency's receiving the same, is an infraction upon the rights of the inhabitants granted by the royal charter."

The payment of the governors by the crown, is not relished by the colonies, as it makes them entirely dependent upon that, and wholly independent of the people, and provincial assemblies; and as it destroys the mutual check which each branch of the legislature ought to have upon the others, and that balance of power which is essential to all free governments. It will be a new source of complaint. On the other hand, the unfairness which has happened in the *Rhode Island* government will prove a fresh provocation to ministry, and tend to fix them in their plans respecting the colonies.

Lieutenant *Dudington* the commander of the late armed schooner the *Gaspee*, had been remarkably assiduous in supporting the laws against smuggling, and in searching after contraband goods, by which he had given great offence. He had also brought upon himself the resentments of many, by firing at the *Providence* packets employed in transporting goods and passengers from hence to *Newport*, and *vice versa*,) in order to oblige the masters to take down their colours, and by chasing them even into the docks when it had been refused. The *Providence* packet coming up as usual with colours flying and company on board, probably a party of pleasure, as is frequent in the summer season, and refusing to take them down, the lieutenant fired a shot, which being June 10th disregarded he chased. It was near upon or quite high water. The packet stood in with the land as close as consisted with safety, designing that the *Gaspee* should be run a-ground in the chase. The design succeeded. The *Gaspee* was soon fast, and could not stir, the tide having done flowing. The packet proceeded to town. The situation of the *Gaspee* and resentment against the commander, excited the thought of attacking and destroying her. Mr. *John Brown*, a considerable merchant of *Providence*, was the principal in the business. Captain *Whipple* was immediately employed to beat up for volunteers, and a number offered and engaged to go upon any service for which they were wanted. Several whale boats were procured and filled with armed men. Mr. *Brown* accompanied them in the expedition. Captain *Whipple*, as they proceeded, observed to Mr. *Brown*, that he might lose his life, and that he had a family, and therefore he required that care should be

10. taken of them in case of his death. Mr. Brown engaged to do it should that happen. About two o'clock in the morning, they boarded and carried the schooner, as she lay a-ground about seven miles below Providence. Mr. Brown was himself the first on board. The lieutenant was wounded. He and the crew were put on shore, and every thing valuable belonging to him, was taken out and saved for him; after which the *Gaspee*, with all her stores, was burned.

Though a reward of five hundred pounds, together with a pardon, if claimed by an accomplice, has been offered by proclamation for discovering and apprehending any of the persons concerned; yet the commissioners appointed to try the matter, have transmitted accounts to ministry, that *they can obtain no evidence*. If any one had wished to give evidence, that he might get the reward; yet the thought that he should risk his life or be obliged to fly the country and become a perpetual exile, would naturally have overcome such propensity. It was too hazardous to turn informer. Some who were secured, in expectation that they would give intelligence were assisted by the populace in making their escape before any thing material could be learnt from them by the commissioners.

Governor *Hutchinson* and his adherents having been used to represent the party in opposition, as only an uneasy factious few in Boston, while the body of the people were quite contented; Mr. *Samuel Adams* was thereby induced to visit Mr. *James Warren* of *Plymouth*. After conversing upon the subject, the latter proposed to originate and establish committees of correspondence in the several towns of the colony, in order to learn the strength of the

the friends to the rights of the continent, and to unite and increase their force. Mr. Samuel Adams returned to Boston, pleased with the proposal, and communicated the same to his confidants. Some doubted whether the measure would prosper, and dreaded a disappointment which might injure the cause of liberty. But it was concluded to proceed. The prime managers were about six in number; each of whom when separate, headed a division; the several individuals of which, collected and formed distinct subdivisions. In this manner the political engine has been constructed. The different parts are not equally good and operative. Like other bodies, its composition includes numbers who act mechanically, as they are pressed this or that way by those who judge for them; and divers of the wicked, fitted for evil practices when the adoption of them is thought necessary to particular purposes, and a part of whose creed it is, that in political matters the public good is above every other consideration, and that all rules of morality when in competition with it, may be safely dispensed with. When any important transaction is to be brought forward, it is thoroughly considered by the prime managers. If they approve, each communicates it to his own division; from thence, if adopted, it passes to the several subdivisions, which form a general meeting in order to canvass the business. The prime managers being known only by few to be the promoters of it, are desired to be present at the debate, that they may give their opinion when it closes. If they observe, that the collected body is in general strongly against the measure they wish to have carried, they declare it to be improper: is it opposed by great numbers, but not warmly, they

they advise to a re-consideration at another meeting, and prepare for its being then adopted; if the opposition not considerable, either in number or weight of persons they give their reasons, and then recommend the adoption of the measure. The principal actors are determined upon securing the liberties of their country, or perishing in the attempt.

The news of his majesty's granting salaries to the justices of the superior court, afforded them a fair opportunity for executing the plan of establishing committees of correspondence through the colony. The most spirited pieces were published, and an alarm spread that the granting such salaries tended rapidly to complete the system of their slavery.

- Nov. 2. A town meeting was called, and a committee of correspondence appointed, to write circular letters to the towns in the province, and to induce them to unite in measures. The committee made a report, containing several resolutions contradictory to the supremacy of the British legislature. After setting forth, that all men have a right to remain in a state of nature as long as they please, they proceed to a report upon the natural rights of the colonists as men, christians and subjects and then form a list of infringements and violations of their rights. They enumerate and dwell upon the British parliament's having assumed the power of legislation for the colonies in all cases whatever—the appointment of a number of new officers to superintend the revenues—the granting of salaries out of the American revenue, to the governor, the judges of the superior court, the king's attorney and solicitor general. The report was accepted; copies printed, and six hundred circu

circulated through the towns and districts of the province, with a pathetic letter addressed to the inhabitants, who were called upon not to doze any longer, or sit sullenly in indifference, while the iron hand of oppression was daily tearing the choicest fruits from the fair tree of liberty. The circular letter requested of each town a free communication of sentiments on the subjects of the report, and was directed to the select men, who were desired to lay the same before a town meeting, which has been generally practised, and the proceedings of the town upon the business have been transmitted to the committee at Boston. This committee have their particular correspondents in the several towns, who upon receiving any special information, are ready to spread it with dispatch among the inhabitants. It consists of twenty-one persons, of heterogeneous qualities and professions. The governor, in expectation of exciting prejudice, and fixing a stigma upon them, their connections and proceedings, has written to a gentleman in power, "Strange that a government, which within a century would suffer no person to be free of the commonwealth who was not one of their church members, should now take for their leaders men, who openly condemn all religion, and should join deacons and atheists in one trust; and that they should be instigated to this by some of the clergy, who make the highest pretences to devotion; and yet the spirit of political party produces all this." He would gladly receive them all into his own arms, and be devoutly thankful for them, were they to change sides and join in supporting his administration. But he has unwarily acknowledged, that the government, or the great body of the people in
their

their legislative and ruling capacity are in the opposition, which therefore cannot consist merely of a few factious leaders; and he appears not to have recollected, that men of opposite principles and characters will unite heart and hand, in keeping off a general calamity, which will involve them all in one and the same ruin. The towns in general have chosen committees of correspondence, and resolved in a stile agreeable to the wishes of the Bostonians. But the resolutions have not been alway drawn up by the townsmen. An inhabitant of *Petersham* applied to that worthy and disinterested son of liberty, Mr. *Quincy*, whom you will recollect to have been of the council for captain Preston and the soldiers, for his assistance, and was furnished with the following draft intended for Boston, excepting the introduction and the paragraphs marked with a star, which were added by some other person.

1773.
Jan.
4.

At a meeting of the freeholders and other inhabitants of the town of *Petersham* in the county of *Worcester*, duly assembled according to law, held by adjournment on the 4th of January 1773, the committee chosen the 30th ult. made the following report, viz. "The town having received a circular letter from the town of *Boston*, respecting the present grievances and abominable oppressions under which this country groans, have thereupon taken into their most serious consideration, the present policy of the British government and administration, with regard to *Great Britain* and these colonies; have carefully reviewed the mode of election, and the quality of the electors of the commons of that island and have also attentively reflected upon the enormous and growing influence of the crown, and that bane of

all free states, a standing army in the time of peace; and in consequence thereof are fully confirmed in opinion, that the ancient rights of the nation are capitally invaded, and the greatest part of the most precious and established liberties of *Englishmen* utterly destroyed:— And whereas the parliament of Great Britain, by various statutes and acts, have unrighteously distressed our trade, denied and precluded us from the setting up and carrying on manufactures highly beneficial to the inhabitants of these territories; restricted and prevented our lawful intercourse and commerce with other states and kingdoms; have also made laws and institutions touching life and limb, in disherison of the ancient common law of the land; and moreover have in these latter times, robbed and plundered the honest and laborious inhabitants of this extensive continent of their property, by mere force and power; and are now draining this people of the fruits of their toil, by thus raising a revenue from them, against the natural rights of man, and in open violation of the laws of God.

This town in union with the worthy inhabitants of Boston, now think it their indispensable duty to consider of the premises and the present aspect of the times, and to take such steps as upon mature deliberation, are judged right and expedient, and hereupon this town

Resolved, That, with a governor appointed from Great Britain (especially at this day) during pleasure, with a large stipend, dependant upon the will of the crown, and controlled by instructions from a British minister of state, with a council subject to the negative of such a governor, and with all officers civil and military subject to his appointment or consent, with a castle in the hands
of

of a standing army, stationed in the very bowels of the land; and that amazing number of placemen and dependants, with which every maritime town already swarms, no people can ever be truly virtuous, free, or brave:

Resolved, That the parliament of Great Britain, usurping and exercising a legislative authority over, and extorting an unrighteous revenue from these colonies, is against all divine and human laws. The late appointment of salaries to be paid to our superior court judges, whose creation pay and commission depend on mere will and pleasure, completes a system of bondage, equal to any ever fabricated, by the combined efforts of the ingenuity, malice, fraud and wickedness of man:

* Resolved, That it is the opinion of this town, that a despotic arbitrary government is the kingdom of this world, as set forth in the New Testament, and is diametrically opposite to the establishment of Christianity in a society, and has a direct tendency to sink a people into a profound state of ignorance and irreligion; and that, if we have an eye to our own and posterity's happiness (not only in this world, but the world to come) it is our duty to oppose such a government:

* And further resolved, That the depriving the colonies of their constitutional rights, may be fitly compared to the dismembering the natural body, which will soon affect the heart; and it would be nothing unexpected for us to hear, that those very persons, who have been so active in robbing the colonies of their constitutional rights, have also delivered up the constitution of our mother country into the hands of our king:

There-

Therefore resolved, That it is the first and highest
duty of this people, to consider of, and seek ways
and means, for a speedy redress of these mighty griev-
ances and intolerable wrongs; and that for the obtain-
ing of this end, this people are warranted, by the laws
of God and nature, in the use of every rightful art and
energy of policy, stratagem and force.

* And while we are thus under these awful frowns of
divine Providence, and involved as this people are in
heavy calamities, which daily increase in number and
severity, it is highly becoming towns and individuals to
humble themselves before Almighty God, seriously to
commune with their own hearts, and seek carefully with
tears, for the causes of the prevailing distresses of the
land; and while it is apparent, that pristine piety and
purity of morals, have given place to infidelity, dissipa-
tion, luxury, and gross corruption of mind and morals,
there is a loud call for public humility, lamentings and
reformation; and it is at this time eminently incumbent
on one and all, to seek at the throne of the Great God
for those special and remarkable interpositions of divine
providence, grace and mercy, which have so often saved
New England from both public and private distress and
suffering: and as there is great reason to believe, that in
past times we have too much depended upon the exer-
cises of worldly wisdom and political devices, it be-
comes us in our present melancholy situation, to rely no
longer on an arm of flesh, but on the arms of that all-
powerful God, who is able to unite the numerous inha-
bitants of this extensive territory, as a band of brothers
in one common cause—who can easily give that true re-
union, which shall make us his people indeed; that
spirit

spirit, which shall fit us to endure temporal hardships for the procurement of future happiness; that spirit of valor and irresistible courage, which shall occasion our aged and our youth to jeopard their lives with joy, in the high places of the field, for his name and service sake for the preservation also of this goodly heritage of our fathers, for the sake of the living children of our loins and the unborn millions of posterity.

* We believe that there are very many, who in these days have kept their integrity and garments unspotted and hope that God will deliver them and our nation for their sake. God will not suffer this land, where the gospel hath flourished, to become a slave of the world; he will stir up witnesses of the truth; and in his own time spirit his people to stand up for his cause, and deliver them. In a similar belief, that patriot of patriots the great *Algernon Sidney* lived and died, and dying breathed a like sentiment and prophecy, touching his own and the then approaching times, a prophecy however not accomplished until a glorious revolution.

Approved of by vote of the town, without contradiction.

SYLVANUS HOW, per order.

The governor, instead of over-looking in his speech the proceedings of the towns, has been induced by them to broach the dispute about the supremacy of the parliament; and has fallen into the snare, which probably some of the politicians laid for him, expecting to get the majority of the general court to declare against it. He designed to recommend himself to the ministry by obtaining a victory; but they will not thank him for increasing their embarrassments.

The council in their answer, said, "The stamp-act Jan.
with some preceding and succeeding acts of parliament, 25
subjecting the colonies to taxes without their consent,
as the original cause of all the uneasiness that has hap-
pened since, and has occasioned also an inquiry into the
nature and extent of the authority by which they were
made."

This was the truth. When the stamp-act took place,
some people, under the notion of zeal for liberty,
ran into the most excessive licentiousness, and were guilty
in one place and another of the most lawless, unjust, and
arbitrary proceedings; such as pulling down and de-
stroying houses, abusing persons, endangering men's
lives, destroying their property, breaking windows, de-
livering prisoners out of the hands of justice, putting
any into great fear, all contrary to the laws of the
province: but there was nothing of this kind before*."

Let me add, that in all my researches, not an instance
has occurred to me of the mob's having been the death
of a single individual, though they might have pro-
ceeded to the most criminal lengths also, had they not
been gratified or diverted from their pursuits. But be-
fore that fatal act, there was not a more loyal, orderly,
and peaceable people, than the Americans in general,
through the whole British empire. All ranks and con-
ditions gloried in their connection with Great Britain;
rejoiced in her friendship and protection; and triumphed
in her prosperity.

Toward the close of their answer, the house of assen-
sely expressed a concern at their having been reduced by
the speech to the unhappy alternative, either of appear-

* The Rev. Mr. Whitney's discourses on the public fast.

ing by their silence to acquiesce in the governor's sentiments as to the supremacy of parliament, or of free discussing the point. The house might be concerned but the leaders were pleased with the opportunity. The governor replied; and the house in their rejoinder to him, "Although the colony may have submitted *silentio* to some acts of parliament, that they conceive might operate for their benefit, they did not conceive themselves bound by any of its acts, which they judge would operate to the injury of individuals." The people at large believe, that the house has the best of the argument, and are confirmed in their opposition to the claims of parliament.

The house voted the usual salaries to the judges of the superior court early in the session. The governor delayed giving his assent to the grants; which produced a message to him requesting his making known the difficulty that prevented his assenting; to this it was answered, that he had received information, that his majesty had been pleased to order salaries to be allowed the justices of the superior courts, &c. By this answer Feb. the house gained the opportunity of sending a second message, in which they expressed their resentment at the many attempts made, effectually to render null and void those clauses in their charter, upon which the freedom of their constitution depends; and said that they were more and more convinced, that it had been the design of administration to introduce an arbitrary government into the province. They declared at the close, with impatience to know, "that the justices will utterly refuse ever to accept of support in a manner so justly obnoxious to the people of the province, it being repu-

ant to the charter, and utterly inconsistent with the
 safety of the rights, liberties, and properties of the peo-
 ple." To add the greater weight to their sentiments,
 and make them the more regarded by all persons, they
 came to several resolves respecting the salaries and the Mar.
 dges: among the rest, "that their dependence on the ³
 crown, especially while they hold their commissions dur-
 ing pleasure, tends to the subversion of justice and
 equity, and to introduce oppression and despotic power:
 and that while they hold during pleasure, any who shall
 accept of and depend upon the pleasure of the crown
 for his support, independent of the grants of the general
 court, will discover that he is an enemy to the constitu-
 tion, and has it in his heart to promote the establishment
 of an arbitrary government in the province."
 The measures pursued on each side the Atlantic are
 not calculated to promote harmony.

L E T T E R VI.

London, August 7, 1773.

FRIEND G.

YOU will receive from me, without further appli-
 cation, regular accounts of what is doing on this
 side the Atlantic, in relation to the colonies.

The burning of the *Gaspee* schooner near Providence,
 has given the chief rise to "An act for the better se-

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curing

curing his majesty's dock yards, magazines, ships, and ammunition, and stores." If the button of a marine's coat, the oar of a cutter's boat, or the head of a cask belonging to the fleet, are included under the comprehensive term *stores*, then according to the act, a person wilfully and maliciously destroying, or aiding or assisting in destroying the same, is to suffer death being convicted. But what will affect you more than all the rest is, that the act is extended to the colonies, and subjects a person to a trial at the pleasure of his majesty, his heirs or successors, in any shire or county in Great Britain. Your own feelings will furnish you with the best comment on this new extension of parliamentary power.

The supporting of the authority of parliament was the only cause assigned by the minister himself, for retaining the tea duty, at the very time when he acknowledged to be as anti-commercial a tax, as any of those which he had repealed upon that principle. It now appears that government had something more in contemplation.

The East India Company, feeling the bad effects of the colonial smuggling trade (occasioned by the retention of the duty) in the large quantities of tea which remained in their warehouses unsold, requested the repeal of the three-pence per pound in America, and offered that, upon its being complied with, government should retain six-pence in the pound on the exportation. To the company presented the happiest opportunity which could have offered, for honorably removing the cause of difference with America. Here was an opening for doing right, without infringing the claims on either side. The company asked, and their situation required re-

could not be alleged, that it was done at the instance of American discontent. The minister was requested and intreated, by a gentleman of great weight in the company, and a member of parliament, to embrace the opportunity; but it has been rejected. New contrivances have been set on foot to introduce the tea, attended with the three-penny duty, into all the colonies. Various intrigues and solicitations have been used to induce the chairman and deputy chairman, to undertake this rash and foolish business. It has been protested against as contrary to the principles of the company's monopoly: but the power of ministry has prevailed; and the insignificant three-penny duty on tea is doomed to be the fatal bone of contention between Great Britain and America. A bill has been passed into an act, for enabling the company to export their own teas. In consequence of it, they have adopted the system, and are become their own factors. They have come to a resolution of sending 600 chests of tea to *Philadelphia*, the like quantity to *New York* and *Boston*, beside what is assigned for other places: several ships are accordingly freighted for different colonies, and agents appointed for the disposal of the commodity.

The several colonies will undoubtedly consider the scheme as calculated merely to circumvent them into a compliance with the revenue law, and thereby to open the door for an unlimited taxation; for if taxation can be established in this instance, it will be extended to others. Consequences will not fail to convince the minister, that it would have been far more eligible to have repealed the duty, than in this way to attempt its establishment.

blishment. It will be needless for me to assure you, that you may upon all occasions, command the assistance of

Your, &c.

N. B. Some of the captains have refused to take the tea on board.

L E T T E R VII.

Roxbury, March 28, 1774.

BEFORE you have an account of the American proceedings in respect to the teas of the East India Company, you must be presented with some matters of an earlier date.

^{1773.}
^{May}
^{14.} The Bostonians persisted in discovering on every occasion, a determined opposition to ministerial measures. Twelve days before the election day the town resolved "That if the council apply for Faneuil-hall for to dine in on the anniversary election day, the select men shall not grant it but upon the express conditions, that neither the commissioners of the customs, nor their attendants, nor the officers of the army and navy, stationed here for the purpose of enforcing unconstitutional acts of parliament by military execution, be invited." It has been an established custom for the governor, council and many other gentlemen, to dine there on that day but

but the resolve prevented an application, and occasioned their dining elsewhere, with the commissioners and officers.

Whether the votes of *Boston* sent to *Virginia*, as the patriots say, or their own private letters might or might not lead to it, the house of burgesses resolved, in the beginning of March, to maintain an intercourse with the sister colonies. They therefore appointed a committee of eleven persons, "whose business it should be to obtain the most early and authentic intelligence of all such acts and resolutions of the British parliament, or proceedings of administration, as may relate to or affect the British colonies, and to keep up and maintain a correspondence and communication with their sister colonies." They then resolved, "That their speaker transmit to the speakers of the different assemblies their resolutions to be laid before their assemblies, and requesting their appointing committees." Nothing could be more acceptable to the *Massachusetts* assembly. It was the first particular business they entered upon when they met. They came to several resolves, and were careful in the first to speak highly in praise of *Virginia*. They appointed a committee of fifteen members, and directed them "to prepare a circular letter to the speakers, requesting them to lay the same before their respective assemblies, in confidence that they will comply with the wise and salutary resolves of the house of burgesses of *Virginia*." *Connecticut*, *Rhode Island*, *Maryland*, and *New Hampshire*, entered into similar measures: but the answer ordered by the *New Hampshire* assembly, to be given to the speakers of *Virginia* and *Rhode Island*, was guardedly expressed; they gave assurance, that their sister colonies might rely upon

their sincerely joining them in every constitutional plan for securing the rights of America. The institution of these committees tends greatly to unite the colonies, and to render them more alert and formidable in resisting the encroachments of ministry. They by this mean become early prepared to meet new and unexpected occurrences; and are drawn in to look upon themselves as jointly interested in each others safety, and public concerns.

An event has happened in the *Massachusetts*, which has excited on the part of the people, the utmost indignation and animosity; on the side of the governor and others, the greatest confusion.

The agent, Dr. *Franklin*, has by some means yet unknown, obtained and sent over to Mr. Bowdoin a number of letters, to be communicated by him after perusal, to a few trusty gentlemen, viz. the honorable James Pitts, Mr. Thomas Cushing, Mr. Samuel Adams, Dr. Winthrop, Dr. Chauncy, and Dr. Cooper; it is added, they are to be returned and put into the place whence they were taken. The letters are signed *Tho. Hutchinson*, *And. Oliver*, *Ch. Paxton*, *Thomas Moffat*, *Robert Auchmuty*, *Nath. Rogers*, *George Rome*. Though they were partly private and confidential, they were designed to procure public coercive measures; and tended to incense the mother country against her colonies, and by the steps recommended, to widen the breach, which they have undoubtedly effected. Their contents were the subject of conversation and solicitous inquiry: till at length Mr. *Sam. Adams* acquainted the assembly, that he had perceived the minds of the people to be greatly agitated with a prevailing report, that letters of an extraordinary

June
2.

extraordinary nature had been written, and sent to England, greatly to the prejudice of this province—that he had obtained certain letters, which with the consent of the gentleman from whom he had received them, might be read in the house under certain restrictions, namely, that the said letters be neither printed nor copied in whole or in part: the proposal was considered, and they were read under the said restrictions. A committee of the whole house afterward reported, “that the tendency and design of said letters was to overthrow the constitution of this government, and to introduce arbitrary power into the province;”—Yeas 101, Nays 5.

The restrictions under which the letters were communicated, were invalidated by contrivance; and in a week's time, Mr. *Hancock* acquainted the house, that he ^{June} had received copies of certain letters, which he supposed were copies of the letters before the house, and moved that they might be compared. The next day, ^{10.} one of a committee appointed to consider some means whereby the house might be honorably and fully possessed of the letters, reported, “That Mr. S. Adams had acquainted him, that having conversed with the gentleman from whom he received the letters, he was authorized to inform the house; that the said gentleman consented (as he found that copies of said letters were already abroad, and had been publicly read) that the house should be fully possessed of them, to print, copy, or make what use of them they pleased, relying on the goodness of the house, that the original letters be returned, they retaining attested copies for their use.” Mr. S. Adams being called upon, declared the same. At length the assembly resolved to petition the king to remove

- June remove governor *Hutchinson* and lieutenant governor
 16. *Oliver* for ever from the government of the province.
 22. They agreed also to furnish the council with the original letters upon the express condition, that the board would by no means suffer them to go out of their hands. The council complied with the insulting stipulation aimed at the governor; and upon his requiring the letters for examination, refused to deliver them into his hands, but sent a committee to open them before him, that he might examine the hand-writing. To this indignity he
 24. was obliged to submit, as well as to the mortification of acknowledging the signature. After which they resolved, "that the removal of the governor and lieutenant governor will be promotive of his majesty's service."

The *Boston* committee of correspondence, that they might add weight to the doings of the general court, inclosed the governor's letters and also the resolves of the house, in a spirited circular letter, and sent them to the several town clerks through the province to be communicated to their respective towns.

The house of assembly in their petition and remonstrance to his majesty, charged the governor and lieutenant governor with being betrayers of their trusts and of the people they governed, and with giving private, partial, and false information; declared them enemies to the colony; and prayed for justice against them and for their speedy removal. So prevalent was the resentment, that these charges with many others, were carried through by a majority of 82 to 12.

To enter now upon the subject of the TEA. While the bill for allowing the East-India Company to export

It was in parliament, letters from Britain insinuated into the minds of the colonists, that a plan was laid to bring them into a snare; that a noble resistance on this occasion would free them from the slavery intended for them; that if this opportunity was lost they would never have another; and that if they suffered the ships to land the tea and the duty to be paid, they would rivet their own chains. The British merchants have been alarmed with the thought of the losses, which must necessarily accrue to themselves from the exportations of the company, and from the sales going through the hands of consignees; and have contributed to the strengthening of that resistance to which the people were already inclined, through their prevailing jealousy at the reservation of the tea duty when the other duties were repealed. The united opposition of the colonies was to be secured; but the event was precarious. The *Bostonians* were much suspected by the sons of liberty in the other provinces, on account of the many goods which were imported into the town during the general non-importation agreement, and afterward of the teas contrary to the agreement respecting that article. *New York* and *Philadelphia* had kept to the agreement, and had run all the teas that the market demanded: but there had been imported into *Boston*, from the beginning of 1768 to the end of last year, not less than 2714 chests, by more than a hundred different persons. Mr. Hutchinson and his sons were considerable importers. It was evident that the body of merchants could not be depended upon. Mr. *Thomas Mifflin* of Philadelphia being at Boston, put it therefore to the sons of liberty, when the teas were expected,

expected, "Will you engage that they shall not be landed? If so I will answer for Philadelphia." They pledged their honor.

Oct. 2. The inhabitants of *Philadelphia* assembled and unanimously entered into various resolves, in which they censured the resolution of the East India company to send out their tea to America, subject to the payment of duties on its being landed, as an open attempt to enforce the ministerial plan, and a violent attack upon the liberties of America; and declared it to be the duty of every American to oppose this attempt, and that whoever should directly or indirectly countenance it, was an enemy to his country. They then fixed upon a committee to wait on the gentlemen reported to be appointed to receive and sell the tea, and to request their resigning. Within three days the whole number resigned; Messrs. *Whartons* and *Brown* without making the least difficulty; the other two not, till the treatment they met with (on appearing at the coffee-house) for the shuffling answer they had given, convinced them that it was not safe trifling with the public opinion. Since this meeting, the Boston sons of liberty have assured by letter the sons of liberty at Philadelphia, that no tea shall be landed.

At *New York*, when captain *Sears* and captain *McDougall* heard that the tea was to be sent, they concluded that an opposition to it was necessary, and agreed upon contriving to unite the tea-smugglers, the merchants, and the sons of liberty in that service; and that captain *McDougall* should write against the design of introducing and vending the tea agreeable to the ministerial plan, but should remain concealed as the author. A few of each

each class were called together, and the mode of opposition settled. Publications, tending to spread and increase the alarm of imminent danger to the liberties of the country, appeared periodically. As the time approached for the arrival of the tea ships, the publications became more spirited and threatening. An hand bill Nov. addressed to the friends of liberty and commerce was ⁵ circulated through the city, calculated to provoke resentment against all the encouragers of the tea-plan. Afterward written papers were stuck up at the coffee-house and other places, menacing destruction to any person who should accept a commission for the sale of the *East India* company's teas, or be an accessary. In rather more than a week, there was published a paper ¹⁸ signed *Legion*, addressed to the stated pilots of the port, and all others whom it might concern, directing them how to proceed in reference to any tea ship, and requiring them at their peril, to bring her no further than the Hook. In another paper, signed the *Mohawks*, the tea ship is said to be laden with fetters, forged for them in Great Britain, and every vengeance is denounced against all persons, who dare in any manner to contribute to the introduction of these chains. In December, the *London*, captain *Chambers*, and the tea ship arrived on the same day; the former came up directly to the wharf, the other remained at the *Hook*, and was watched till she returned, by a vessel stationed there for the purpose. On her arrival a committee waited on the consignees, who agreeable to a former promise assured them, that they would neither receive nor sell the tea, as it came liable to an *American duty*. Captain Chambers ventured to bring seventeen chests on a private account, which were taken

taken and thrown overboard into the harbour. Had the company's ship come to the wharf, she would probably have been burnt, for captain *Sears* and five others had determined upon it, and provided themselves with combustibles for the purpose.

At *Philadelphia*, printed papers were dispersed, warning the *Delaware* pilots not to conduct any of the tea ships into harbour, as they were only sent for the purpose of enslaving and poisoning all the Americans; and at the same time plainly intimating, that it was expected they would apply their knowledge of the river, under the colour of their profession, so as effectually to secure their country from such an imminent danger.

In most places, the consignees were obliged to relinquish their appointments, and to enter into engagements not to act in that capacity; and no other persons daring to receive the cargoes consigned to them, the captains of the New York and Philadelphia ships, from these circumstances, and the knowledge of the risk they ran from the determined resolution of the people, concluded upon returning directly to Great Britain, without entangling themselves by any entry at the custom-houses. But it was otherwise in the *Massachusetts*.

Methods were taken to spirit up the people at large by fugitive pieces, hand bills, resolves of town meetings, the mutual intercourse of committees and the like. At length, some hundreds of the inhabitants of

Nov. 3. *Boston* and the neighbouring towns, meet at *Liberty-tree* agreeable to a notification issued the day before, "for to hear the consignees resign and swear that they will relinquish any teas, that may by the *East-India* company be assigned to them." The consignees are in general ob-

noxious

noxious to the public by reason of their near and intimate connections with the governor, on whose support they depend. They are not terrified into an appearance at the place proposed; but meet together by agreement at the store of Mr. *Clark*, who is one of them, in King-street. A committee is appointed by the assembly to wait upon them with a message, to which they pay no regard. The people, who attend the committee as spectators, upon this force open the doors of the warehouse, and enter with great violence; and then attempt getting up stairs into the comptinghouse, but are driven back. The sons of liberty not having succeeded in this procedure, a town-meeting of the freeholders and other 5. inhabitants is called. A large number is collected; and it is agreed to adopt the resolves of the citizens of Philadelphia. A committee is chosen to wait upon the consignees, who decline complying with the request of the town by letters, which, though decent, are the next day voted daringly affronting, when the meeting is immediately dissolved. Some of the sons of liberty are fearful of pushing the matter too far, lest the town, and then the colony, should be drawn into a quarrel with Great Britain. To such it is said, "It must come to a quarrel with Great Britain and the colony, sooner or later; and if so, what can be a better time than the present? Hundreds of years may pass away before the parliament will make such a number of acts in violation of the British constitution as it has done of late years, and by which it has excited so formidable an opposition to the measures of ministry. Beside, the longer the contest is delayed, the more administration will be strengthened. Do not you observe, how the govern-
ment

ment at home are increasing their party here, by sending over young fellows to enjoy appointments, who marry into our first families and so weaken the opposition? By such like means, and by multiplying posts and places, and giving them to their own friends, or applying them to the corruption of their antagonists, they will increase their own force faster in proportion than the force of the country party will increase by population. If then we must quarrel, ere we can have our rights secured, now is the most eligible period. Our credit also is at stake; we must venture, and unless we do, we shall be discarded by the sons of liberty in the other colonies, whose assistance we may expect upon emergencies, in case they find us steady, resolute and faithful. They conclude to venture onward.

18. A new town-meeting is called, and a new committee appointed to wait upon the consignees to know, whether they will resign their appointment; to which they answer, "It is out of our power to comply with the request of the town." This answer may be built upon solemn engagements not to resign; otherwise it is hard to conceive how it should be more out of their power than the power of the Philadelphia consignees, who have resigned six weeks ago. It is a managed affair between them and the governor, who calls a council for advising upon measures proper for preserving the peace, and supporting the authority of government. While the council are debating, a petition of the consignees is presented, praying leave to resign themselves and the property committed to them, to his excellency and the honors as the guardians of the people. After debate the further consideration is postponed to the 23d, the
- 19.

to the 27th, then to the 29th, when the council make a 29.
new observations, decline complying with the petition,
and advise his excellency to renew his orders to the jus-
tices and others, to exert themselves for the security of
his majesty's subjects, the preservation of peace and
good order, and for preventing all offences against the
law. About this time the consignees, consisting of the
governor's sons, cousins, and particular friends, remove
to the castle for personal safety. The day before the
first meeting of the council, captain *Hall* in the *Dart-*
mouthe, came to an anchor near the castle, having on
board one hundred and fourteen chests of tea; and on
the day of their meeting, comes into the harbour. On
the same day a notification is posted up in all parts of
the town, inviting every friend to his country to meet
at nine o'clock, to make a united resistance to the most
destructive measure of administration. The meeting of
the people of Boston and the neighbouring towns is con-
tinued by adjournment to the next day, when it is de- 30.
termined, that the tea shall be returned. Faneuil-hall
being too small for the assembly, they adjourn to the
old South Meeting-house, and confirm the former
determination by voting, "that the tea shall not be
landed, that no duty shall be paid, and that it shall be
sent back in the same bottom." They further vote,
that Mr. *Rotch*, the owner of the vessel, be di-
rected not to enter the tea at his peril, and that captain
Hall be informed, at his peril not to suffer any of the tea
to be landed." They also appoint a watch of twenty-
five men to be a guard upon the Dartmouth, lying at
Griffin's wharf. A letter is received from the consignees,
refusing to store the teas till they can write and receive
VOL. I. Z further

further orders; but the proposal is rejected. Mr. *Greenleaf*, the sheriff, appears and begs leave to read a proclamation from the governor, which requires the people forthwith to disperse and to surcease all further proceedings. He is allowed to do it; and, upon finishing there is a loud and general hiss. The people afterwards vote, "that captain *Bruce*, on his arrival, do conform to the votes respecting Hall's vessel; that no tea from Great Britain be landed or sold till the act imposing the duty is repealed; that the captain of the present watch be desired to make out a list for the next night, and on, until the vessels leave the harbour; that should the watch be molested, the inhabitants be alarmed by the tolling of the bells at night, and the ringing of them in the day; that six persons be appointed to give notice to the country towns, upon any important occasion; that every vessel arriving with tea have a proper watch, and that their brethren in the country be desired to afford their assistance on the first notice." They determine to carry their votes and resolves into execution at the risk of life and property; thank their brethren in the neighbouring towns, and then dissolve the meeting.

After the dissolution, the committee of correspondence for the town of Boston hold their meetings, and invite the like committees of the adjacent towns to join them; several do it; the whole jointly assume the direction of all that relates to the teas of the East India company. They keep a constant military watch of twenty-five men every night, generally with fire arms to prevent the tea being privately landed. The vessel belonging to captains *Bruce* and *Coffin*, are upon their arrival ordered to Griffin's wharf.

Th

The people of Boston and the neighbouring towns, Dec. 14. that have agreed to act in concert with Boston, meet at the Old South Meeting-house, and conclude upon ordering Mr. *Rotch* to apply immediately for a clearance for his ship. Mean while the governor receiving intimation that she would be sent to sea, and that it might not be through the ordinary channel by the castle, acquaints admiral *Montague* and desires him to take the proper precautions, on which the admiral orders the *Active* and *King Fisher* to be fitted for sea, and to fall down and guard the passages out of the harbour. The governor likewise renews in writing his orders to colonel *Deshaies*, to suffer no vessel, coasters excepted, to pass the straits from the town without a permit signed by himself. A sufficient number of guns are loaded on this special occasion.

The assembly are acquainted, that the collector cannot give Mr. *Rotch* a clearance, until the vessel is discharged of dutiable articles. Mr. *Samuel Phillips Savage*, of *Weston*, is chosen moderator. The number assembled from town and country is thought to be some thousands. Upon the present crisis several gentlemen deliver their sentiments; and Mr. *Josiah Quincy* in his to the following purpose;—"It is not, Mr. Moderator, the spirit that vapors within these walls that must stand us in stead. The exertions of this day will call forth events, which will make a very different spirit necessary for our salvation. Whoever supposes, that shouts and hosannas will terminate the trials of the day, entertains a childish fancy. We must be grossly ignorant of the importance and value of the prize for which we contend; we must be equally ignorant

rant of the power of those who have combined against us; we must be blind to that malice, inveteracy, and insatiable revenge, which actuate our enemies public and private, abroad and in our bosom, to hope that we shall end this controversy without the sharpest, the sharpest conflicts—to flatter ourselves that popular resolves, popular harangues, popular acclamations, and popular valor, will vanquish our foes. Let us consider the issue. Let us look to the end. Let us weigh and consider before we advance to those measures, which must bring on the most trying and terrible struggle this country ever saw.”

About three o'clock in the afternoon the question was put, “will you abide by your former resolutions with respect to not suffering the tea to be landed?” It passed in the affirmative, *nem. con.*

Mr. Rotch is ordered to make a protest, and procure a pass for his vessel. He waits upon the governor Milton, who offers to give him a letter to the admiral for protection, which he declines, fearing in that case the rage of the people, and being in no concern about his ship, as that is not the object of resentment, but the tea. He intimates to the governor, that some of the leaders of the people wish the ship to go down and be stopped at the castle, “for then they will be rid of the affair, and may say they have done all in their power.” While Mr. Rotch is absent, the speakers in the meeting keep the people together by engaging their attention till he returns, which is before six o'clock, when he informs the body, that upon applying to the governor for a pass, he received for answer, “I cannot give you a pass consistent with the laws and my duty to the king unless

less the vessel is properly qualified from the custom-use." Upon this there is a great deal of disputing, when a person disguised like an Indian, gives the war-hoop in the front gallery, where there are few if any hides himself. Upon this signal it is moved and voted that the meeting be immediately dissolved. The people crowd out and run in numbers to Griffin's wharf. At the same instant, a number of persons, chiefly masters of vessels and ship-builders from the north end of the town, about seventeen, though judged to be many more, they run along, cross Fort-hill, dressed as Indians, and repair to the tea ships; and in about two hours hoist out of them and break open 342 chests of tea, and discharge their contents into the salt water. They are not in the least molested. The multitude of spectators on and about the wharf, serves as a covering party. The whole business is conducted with very little tumult, and no damage done to the vessels or any other property: when finished, the people return quietly to their towns and habitations.

Prior to the destruction of the tea, captain *Loring* in his brig, being the fourth and last vessel on the East-India Company's account, was cast ashore at Cape Cod; and that tea was saved, has been conveyed to the castle.

The arrival of the tea-ships first at Boston; the conferences refusing to resign, though they had the example of others to induce them, and the governor's resolution to pay no regard to the voice of the public, brought on the destruction of the tea. The sons of liberty were sensible, that if it was landed and stored, it would some day or other obtain a sale; and that the virtue of the people, to decline buying and using a commodity to

which they were so attached from love and habit, was too precarious a ground on which to risk the salvation of their country. They have been obliged, but with the utmost reluctance, to venture upon a desperate remedy. Many of their friends, who are not acquainted with the circumstances or do not attend to them, may be ready to censure them severely. But had the tea been landed, the union of the colonies in opposing the minister's schemes would have been dissolved; and it would have been extremely difficult ever after to have restored. The fulfilment of their solemn declaration, that the tea should not be landed, though in a way which would not have been chosen had any other effectual one offered, has secured them the good opinion and confidence of their co-patriots in other parts. The governor has the influence with the consignees, that he could undoubtedly have prevailed on them to resign; but he has encouraged them to the contrary: and therefore what he has written, "It has been absolutely out of my power to prevent the destruction of the tea, without conceding to the unreasonable demands of a lawless set of men, and thereby giving government up and rendering myself obnoxious to my sovereign," will scarce be admitted as a sufficient justification. Sovereigns themselves, upon special emergencies, wisely give place to the opinions and wishes of their subjects; but are often disgraced and forced into difficulties, through the want of like wisdom in their representatives. Had the governor given a pass for the ship in the present instance, he would not have been viewed by considerate persons, as breaking either the laws or his oath. Cases offer, when statute laws and oaths of office are required to give place to the supreme law.

law of society, the safety of the community. Had he looked back to the time of the stamp-act, he would probably have found many precedents of ships having permits from his predecessor in office, Sir Francis Bernard, to pass the castle without being duly qualified for want of stamps; and yet the granting them did not render Sir Francis obnoxious to his sovereign. But the truth was, Mr. *Hutchinson* had repeatedly urged government at home to be firm and persevering; this was a favorite topic on which he was often insisting; he himself therefore could not think of yielding: and then he would not believe that the people were determined at all adventures to perfect their engagements; but expected that when the critical moment came, they would desist. Whereas when that moment came, and the tea on board the *Dartmouth*, captain Hall, was in danger of being seized and secured by the custom-house officers, who might have been supported by admiral Montague, the sons of liberty projected the destruction of it in the manner above related: and in order to make short work of the whole business, and prevent their repeating the preceding formalities, they did not confine their operations to the tea on board the *Dartmouth*, but extended them to the teas brought in afterward by captains *Bruce* and *Coffin*.

Some expect that the destruction of the tea will issue in the destruction of the charter, which will make the inhabitants of the colony furious beyond expression. One gentleman, apprehensive of the fatal consequences that will follow upon the parliament's meddling with the charter, the great darling of the people, has written freely and fully upon the subject to his correspondent,

an influential member in the house. Another, being desirous of learning the real sentiments of the more moderate party, and of such as have not plunged themselves into the politics of the day, has conversed with several of them; but has discovered in them the warmest indignation and the highest resentment at the thought of being deprived of their charter. A major in the militia (whom Mr. Hutchinson honored with the commission for his good conduct as foreman of the jury on the trial of the soldiers for killing the persons on the 5th of March 1770) told him, "Sir, you know that I am a friend to government and wish to support it; but if there is an attempt to take away our charter, I will fight up to my knees in blood in defence of it." The gentleman has perceived such a spirit to predominate among all the people, that he has judged it right to communicate his knowledge to Sir Francis Bernard, and to acquaint him with his apprehensions as to the fatal consequences which will follow upon the adoption of violent measures. He has written also to another friend upon the subject, in hope that the intelligence will get to the ministry, and prove beneficial to the public, by preventing harsh proceedings. At Charlestown the Carolinians have unloaded the tea, and stored it in cellars, where it cannot be used, and where it will finally perish.

Let me pass from hence to relate the doings of the *Massachusetts* assembly respecting the judges, which you will probably pronounce intemperate.

The house being informed, that each of the judges refused to take more than one half of the sum granted them the last year, which they considered as implying on the part of the judges, a determination to accept of their

their support from the crown, resolved, "That it is the incumbent duty of the judges explicitly to declare, whether they are determined to receive the grants of the general assembly or to accept of their support from the crown; and their delaying any longer to let the public know their determination, will discover that they have little or no regard for the peace and welfare of the province: and in such case it will be the indispensable duty of the commons of this province to impeach them before the governor and council." Four of the judges, ^{1774 Feb.} in the beginning of February, acquainted the house that they had received their whole salary granted them by the general court, and not any part of the grant made by the crown, and that they were determined still to receive the grants of the general assembly; which was pronounced satisfactory. But the chief justice, *Peter Oliver* esq; sent them a letter informing them, That, since being upon the bench seventeen years, he had suffered above three thousand pounds sterling; that he had been encouraged not to resign with the hope of a support, but had never been relieved; that he had taken his majesty's grant from the 5th of July 1772 to the 5th of January 1774, and that without his majesty's leave he dare not refuse it.

The house resolved, "That Peter Oliver hath, by his conduct, proved himself an enemy to the constitution of this province, and is become justly obnoxious to the good people of it; that he ought to be removed from the office of chief justice; and that a remonstrance and petition to the governor and council for his immediate removal be prepared"—yeas 96—nays 9.

The

Feb. 24. The house proposed to exhibit articles of impeachment, in their own name and the name of all the inhabitants of the province, against the chief justice. His excellency excepted to the proceedings of the house as unconstitutional; for which reason he could not give them any countenance.

Mar. 1. They prepared articles of high crimes and misdemeanors against the chief justice, to present to his excellency and the council, in which they said, "The salary and hopes of augmentation must have the effect of a continual bribe, and expose him to a violation of his oath. His accepting hath betrayed the baseness of his heart and the lust of covetousness, in breach of his engagements to rely solely on the grants of the assembly, necessarily implied and involved in his accepting said office. By receiving a grant out of the revenue unjustly extorted from the American colonies, he hath, as far as lay in his power, put a sanction on and established the said revenue, counter-acted the reasonable petitions of the people to his majesty, and in defiance of the known sense of the body of this people, hath wickedly endeavoured to increase the discontent and jealousies of this people and the grievance aforementioned."

9. It was resolved, "That the house have done all that in the capacity of representatives can be done for the removal of Peter Oliver; and it must be presumed, that the governor's refusing to take any measures therein is because he also receives his support from the crown."

It is not to be thought, that the leading gentlemen in these proceedings expected to obtain the removal of the chief justice: but by the help of them, they rendered him

him and the governor more and more obnoxious to the body of the people; added to the dignity and importance of the house in the eyes of the representatives, by placing them upon an apparent level with the house of commons in Britain; and preserved the general animosity against ministerial measures from falling into a decline.

The real, genuine sentiments of the professed patriots may be desired; let me therefore mention, that these are divided in wish and opinion. The great body of them through the several colonies and even in this, aim at no more than the removal of all the innovations since the expiration of the war. They want to have matters revert back to the state in which they were when the peace commenced; and to be fixed in that state. They wish most ardently to continue in union with Great Britain; and abhor the thought of a separation. They judge that it would be neither safe nor beneficial; that it is infinitely more eligible to have the protection of the mother country, and to remain under her shadow; and that no greater happiness can be enjoyed by them, than a thorough restoration of harmony and affection between them and the parent state, so as to obliterate the remembrance of all past animosity. But there are a few in this colony who hanker after independency, and will be likely to bend their whole influence for the obtaining of it, whenever there is the least opening to encourage their efforts. At the head of these we must place Mr. *Samuel Adams*, who has long since said in small confidential companies—"The country shall be independent, and we will be satisfied with nothing short of it." At one time his influence was small, owing to defects

defects in pecuniary matters, especially as collector of the taxes for Boston, in which office he served for years. He was accountable to the town for between one and two thousand pounds; but a great part of it had never been gathered. What with not pressing the payment of the taxes in time, as is too generally the case; not calling when the money happened to be ready and other casualties, no inconsiderable sum was lost. His necessities probably (for he appears to be addicted to no extravagances) urged him to supply himself, time after time, from the cash in hand, without attending to the accumulation of the balance against him, till called upon to settle. The town had several meetings upon the business; at length, by the exertion of his friends, a majority was obtained for the relinquishment of the demand upon him. Since his first election into the house in 1765, his influence has been gradually increasing, until he has obtained a great ascendancy in directing the town of Boston, and the house of representatives, and consequently the council. His abilities and policy will foster the idea of independency, by the aids of those very severities the ministry may adopt, in order to compel the colonies into a submission to parliamentary authority in all cases whatever.

L E T T E R VIII.

London, July 2, 1774.

THE letters sent over to the Massachusetts by Dr. Franklin have produced a duel between Mr. *Whateley* the banker, brother to the late secretary to the treasury; and *John Temple* esq; in which the former was dangerously wounded. This has led the doctor to inform the public, that both the gentlemen are totally ignorant and innocent, as to the transaction and its circumstances about which they fought. He declares that he alone was the person who obtained and transmitted to Boston the letters in question, and says—"Mr. W. could not communicate them, because they were never in his possession; and for the same reason they could not be taken from him by Mr. T." The doctor justifies his own conduct, and concludes with telling the world, he "thought it his duty to transmit them to his constituents." But if they were sent over to be communicated to a few confidential gentlemen only, instead of being addressed to the speaker of the assembly, or one of the committee appointed to correspond with him, with orders to lay them before the house, how were they transmitted to his constituents? There is something mysterious in this business, which it is apprehended will not bear a discovery at present. It is suspected that the letters were procured out of some public office; and that
Mr.

Mr. Temple is not so perfectly ignorant of all circumstances as the doctor's language seems to express.

1774.
Jan.
29.

The merits of the petition, presented some time ago by the doctor as agent for the Massachusetts, praying for the removal of the governor, came on to be heard before the privy council. It is reported, that Mr. W— —, wandering from the proper question before their lordships, poured forth such a torrent of virulent abuse on Dr. *Franklin* as scarce ever before took place in judicial proceedings. His reproaches appeared to some present to be incompatible with the principles of law, truth, justice, propriety and humanity. And it was thought it would have redounded more to the honor of their lordships, had they seemed to enjoy less the lashes which the doctor underwent; and had they expressed their dissatisfaction by reducing the orator to the remembrance of the exalted characters before whom he uttered such language. The petition was dismissed, and the doctor is displaced from the office of deputy postmaster general for the colonies. The philosopher may recollect in some future day the liberties taken with him before the privy council on the twenty-ninth of January, and take ample revenge on British ministers and courtiers.

Mar.
7.

A message from his majesty, on account of the late disturbances in America, was presented to both houses. Particular mention was made of the outrage committed by the people at Boston. Matters are now brought to a crisis, and ministry are bent upon vigorous, spirited measures. To prevent opposition from the merchants, the public papers were filled with writings on the subject, which painted the misconduct of the colonies in the strongest colours, and urged in particular the impossibility

of the future existence of any trade to America, if this flagrant outrage on commerce, as it is pronounced, went unpunished. These with other endeavours had the proposed effect. The resentment against the Americans became as high and as strong as could be desired, within the house: but the storm was to be directed against the *Massachusetts*. The minister, in debate, stated that the opposition to the authority of parliament had always originated in that colony; and that that colony had always been instigated to such conduct, by the irregular and seditious proceedings of Boston. It was become necessary therefore to begin with that town. He had forgot, or would not mention, that the violent opposition to the stamp-act originated in Virginia.

Leave was given to bring in a bill "for the immediate removal of the officers concerned in the collection of the customs from Boston, and to discontinue the landing and discharging, lading and shipping of goods, wares and merchandises, at Boston or within the harbour thereof." At the first introduction of the bill it was received with general applause. Mr. *Bollan* however, petitioned to be heard for the *Massachusetts* council, and on behalf of himself, and other inhabitants of Boston. The commons refused to admit his petition, though a few days back they had received one from him as agent for the council. The lords were actually hearing him on a petition, as a person duly qualified. On the third reading of the bill, another petition was presented, in the name of several natives and inhabitants of North America; which insisted strongly on the injustice of the act, and its tendency to alienate the affections of America; and expressly declared, that the attachment of America

America could not long survive the justice of Great Britain. The minority members maintained, that the bill stood simply as a proscription of one of the greatest trading towns in the British dominions from the use of their port, and from all the commerce by which thousands obtained their bread. "Have we not (say they) given an extent of power to his majesty to prevent the port of Boston from ever being reinstated, if the king should think proper? A fine is laid; the trade is prohibited until it is paid; and when the fine is paid, the town may be as far from recovering her trade as ever. The act provides, that the crown must have satisfaction and that the laws of trade and revenue shall be obeyed. There is a sting in this. The act under pretence of an indemnity to the East India Company, is meant to enforce the submission to taxes. America will see this and the cause of Boston will be made the cause of all the colonies. They are all as guilty as Boston. Not one has received the tea: some have destroyed it, others sent it back." But all opposition was ineffectual; for the projected measures of government were immutable. The bill passed; and was carried up to the house of lords, where it was warmly debated, but, as in the house of commons, passed without a division.

Mar. It received the royal assent.

31.

The Boston port-bill formed only one part of the coercive plan proposed by ministry. A bill was soon brought in for "the better regulating the government of the Massachusetts-bay." The purport of it was, to alter the constitution of the province, to take the whole executive power out of the hands of the democratic part, and to vest the nomination of counsellors, judges,

and

and magistrates of all kinds, including sheriffs, in the crown, and in some cases in the king's governor, and all to be removable at the pleasure of the crown.

In the debates it was asked of ministry, whether the colonies already regulated nearly in the manner proposed by the bill, were more submissive to the right of taxation than the Massachusetts. It was justly argued, that the disorder lay much deeper than the forms of government; that the people throughout the continent were universally dissatisfied; and that the uneasiness and resistance was no less in the royal governments than in any other. Mr. *Bollan* again made an effort in favor of his province; but the commons refused to receive his petition. The ministry having carried the preceding bill, prepared another, without which, it was said, the scheme would be entirely defective.

Lord *North* presented the third bill "for the impartial administration of justice in the cases of persons questioned for any acts done by them in the execution of the law, or for the suppression of riots and tumults in the *Massachusetts-bay*." This bill provided, that if any person was indicted in that province for murder, or any other capital offence, and it should appear to the governor that the fact was committed in the exercise of magistracy, in suppressing tumults and riots, and that a fair trial could not be had in the province, he should send the person so indicted, &c. to any other colony, or to Great Britain to be tried. The charge on both sides was to be paid out of the customs. The ministry opposed this bill with great vehemence. They insisted that having no sort of reason for impeaching the tribunals of America, the real intention was to set up

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a military government, and to provide a virtual indemnity for all the murders and capital outrages which might be committed by the barbarous hands of authority. From the impossibility of prosecuting in Great Britain, they strenuously maintained that this was holding out encouragement for all kinds of lawless violence. Colonel *Barre's* speech upon the occasion commanded the attention of the whole house, and closed admirably with "You have changed your ground. You are becoming the aggressors, and offering the last of human outrages to the people of America, by subjecting them in effect, to military execution. Instead of sending them the olive branch, you have sent the naked sword. When I speak of the olive branch, I mean a repeal of all the late laws so fruitless to you and oppressive to them. Ask them to surrender in a constitutional manner, and they will give it to the utmost of their ability. They never yet refused it, when properly required. Your journals bear the record of their acknowledgments of the zeal with which they have contributed to the general necessities of the state. What madness is it that prompts you to attempt obtaining them by force, which you may more certainly procure by persuasion. They may be flattered into any thing, but they are too much like yourselves to be driven. Have some indulgence for your own likeness; respect the sturdy English virtue; retract your odious exertions of authority; and remember that the first step towards making them contribute to your wants, is to reconcile them to your government."

The publications of the day quote an old member rarely in opposition, as having closed his speech with these remarkable words—"I will now take my leave

the whole plan. You will commence your ruin from this day. I am sorry to say, that not only the house has fallen into this error, but the people approve of the measure. The people, I am sorry to say it, are misled. But a short time will prove the evil tendency of this bill. If ever there was a nation running headlong into it, it is this." It is much questioned by many whether the member did not mistake in saying—the people. The same natives of America, who petitioned against May's Boston port-bill, renewed their endeavours by a petition against these two bills. It was pointed with an uncommon energy and spirit; and strongly indicated the effects that these bills would produce in the place where they were intended to operate. It was admitted to lie on the table, and had no other notice taken of it. Both bills were opposed in the house of lords, and the minority entered on each a very strong protest. On which however in each house, the number of the minority continued all along very low and inadequate. Mr. *Bollan* applied for a hearing in the house of lords upon the last bill, but was refused. He has stood up in defence of the rights and liberties of the Massachusetts when no other of the numerous advocates of the colonies, out of parliament, have appeared to check the torrent of the most grievous proceedings against them, in like manner, by their learning and fortitude.

Upon the first of the two bills, the protesting lords *Edmond, Portland, Abingdon, King, Effingham, Ponsonby, Kingham, Abergavenny, Leinster, Craven, and Fitzwilliam*, dissented among other reasons, "because the decisive legal offence, by which a forfeiture of the charter occurred, has not been clearly stated and fully proved;

neither has notice of this adverse proceeding been given the parties affected; neither have they been heard in their own defence—because all the judges are to be nominated not by the crown, but by the governor; and all, except the judges of the superior court, are to be removable at the pleasure, and expressly without the consent of that very council, which is to be nominated by the king; the sheriff is made changeable by the governor and council as often and for such purposes as they shall think expedient, whereby the governor and council are intrusted with powers, with which the British constitution has not trusted his majesty and privy council, and have the means of returning such a jury in each particular cause, as may best suit with the gratification of their passions and interests, so that the lives and properties of the subject are put into their hands without control.” The protesting lords took occasion to mention concerning the Boston port-act, “that, unexampled on the records of parliament, it had been entered on the journals of the house as voted, *nemine dissente*, and had been stated in the debate of the day, to have been sent to the colonies, passed without a division in either house, and therefore as conveying the uncontroverted universal sense of the nation: and that an unfair advantage had been taken on the final question for passing the penal bill, of the absence of those lords, who had debated it for several hours, and strongly dissented from it on the second reading, the period on which it is most usual to debate the principle of a bill.”

On the second bill, the protesting lords *Richmond, Fitzwilliam, Ponsonby, Rockingham, Portland, Gravelinster*, and *Manchester*, dissented among other reasons “because the bill amounts to a declaration, that

house knows no means of retaining the colonies in due obedience, but by an army rendered independent of the ordinary course of law in the place where they are employed; because the bill seems to be one of the many experiments toward an introduction of essential innovations into the government of the empire." They said. The authority given by this bill to compel the transportation from America to Great Britain, of any number of witnesses at the pleasure of the parties prosecuting and prosecuted, without any regard to their age, sex, health, circumstances, business or duties, seems to us so extravagant in its principle, and so impracticable in its execution, as to confirm us further in our opinion of the spirit which animates the whole system of the present American regulations."

His majesty gave his assent to both bills.

May
20.

The session was drawing near to the usual time of recess, and the greater number of the members were returned into the country. In this situation a bill was brought into the house of lords, "For making more effectual provision for the government of the province of *Quebec* in North America." It passed through that house with little if any observation. When it came down to the house of commons, it met with a very different reception. The principal objects of the bill were, to ascertain the limits of the province, which were extended far beyond what were settled as such by the king's proclamation of 1763—to form a legislative council for all the affairs of the province, except taxation, which council was to be appointed by the crown, and the office to be held during pleasure, and his majesty's Canadian Roman Catholic subjects were to be entitled

to a place in it—to establish the French laws and a trial without jury in civil cases, and the English laws, with trial by jury in criminal—and to secure to the Roman Catholic clergy, except the regulars, the legal enjoyment of their estates, and of their tythes from all who were of their own religion. The minority insisted, that the Protestant religion by this establishment enjoyed at best no more than a toleration. “The popish clergy,” they said, “have a legal parliamentary right to maintenance; the protestant clergy are left to the king’s discretion. Why are not both put at least on an equal footing, and a legal support provided for both?” The minority was uncommonly small; nevertheless, the bill produced much greater uneasiness and discontent out of doors than any of those for punishing the old colonies. The present policy of it is, among other things, to gain through the influence of the priests, the assistance of the laity in subjugating the other provinces.

June
22.

It received the royal assent, when his majesty went to the house at the close of the session; the business of which being ended, the ministry entertained the most sanguine expectations, that the submission throughout America would be immediate, and that complete obedience and tranquillity would be secured. The speech from the throne expressed similar sentiments. The triumphs and mutual congratulations of all who have supported the ministerial plan, within doors and without, are unusual and great. These may be owing, not a little, to the assurances that governor *Hutchinson* has repeatedly given to many, that if the parliament would but act with resolution, and adopt spirited measures, a speedy submission would take place without any call for fighting,

By the Quebec act, the total revenue of the province is consigned, in the first instance, to a warrant from the lord of the treasury, for the purpose of pensioning judges, ensuring pleasure, and the support of a civil list totally unlimited. The first lord of the treasury, without control of parliament, is therefore in actual possession of the revenues of one American province, under the authority of an act of parliament, with no other obligation expressed, than in general to defray the expences of the administration of justice, and to support civil government. The residue, as in the tea-act, is to be reserved for the disposal of parliament. The government of Quebec is, in truth, a legal parliamentary despotism committed into the hands of the crown and its minister; for the crown of Great Britain is constituted as absolute in the province, under an act of parliament, as any despot that ever existed in the world. Hence is inferred that ministers would do through all America, did they possess the power*.

Your present governor, general Gage, has been appointed as the most proper person to see to the execution of the laws, which have been passed respecting both the colony and its capital: when he has settled matters, and established order and due submission to the power of parliament, Mr. Hutchinson is to return and resume his chair. The last since his arrival, has been graciously received: his influence with ministry will continue, all events convince them that they have been greatly mistaken in relying upon his judgment on American subjects. A commission during pleasure has passed the great seal, granting to general Gage full power and au-

* Mr. Hartley.

thority, where he shall see cause, to pardon and remit all treasons, murders, felonies, crimes and misdemeanors whatsoever, and all fines or penalties whatsoever incurred in the *Massachusetts*.

L E T T E R IX.

Roxbury, Sept. 28, 1774.

THE appointment of general Gage to the government was not thought of by Mr. *Hutchinson*. He expected to have been intrusted with the execution of the ministerial plan; and was rather disconcerted when he found it to be otherwise. Before he left the colony he was presented with a few addresses; one by a number of gentlemen, conceived in very respectful terms but against which many others entered a protest. Had he applied himself vigorously and steadily, to the healing of the breach between the colonies and the parent state, instead of calling upon ministry to force submission, he would have been a blessing, and had the love of all; but now it will be well, if he does not prove a curse to both countries, and make himself odious to the latest posterity.

May 13. When general Gage landed on the long wharf, it was thought from appearances, that he had apprehensions of being ill-treated by the inhabitants; but though they were highly incensed at the port-bill, which they had

last received, they behaved toward him with the greatest decency. He was complimented by the council, the gentlemen in the commission of the peace, and others, and afterward sumptuously entertained.

The next day there was a numerous town-meeting to consider the port-bill; when they resolved, "That it is the opinion of this town, that if the other colonies come into a joint resolution, to stop all importation from and exportation to Great Britain, and every part of the West Indies, till the act be repealed, the same will prove the salvation of North America and her liberties; and that the impolicy, injustice, inhumanity, and cruelty of the act, exceed all our powers of expression: We therefore leave it to the just censure of others, and appeal to God and the world." Copies of the act arrived in different parts; were multiplied with incredible expedition; and circulated through the colonies, by which the whole country was inflamed. In some places they were printed upon mourning paper with a black border, and cried about the streets under the title of *a barbarous, cruel, bloody and inhuman murder*: in others, great bodies of the people were called together by advertisement, and the obnoxious law burned with great solemnity, similar to what was done in the time of the stamp-act.

When the Boston port-bill arrived at New York, captains Sears and M'Dougall wrote to the committee at Boston, assuring them of the support of the New Yorkers. The letter was published without their names. The Yorkers would have fixed a censure upon them, but could get no proof of their being the writers. Captains Sears and M'Dougall called the people together by a publication. They collected, and after a violent opposition

opposition from the tories, who had brought their whole strength upon the occasion, a vote was obtained for appointing a committee on account of the port-bill, which was to consist of fifty-one. The tories fearing the worst had provided a list; but all lists were taken off the table at Mr. Sears's motion, when nominations took place, and the number of whigs and tories was nearly equal. Mr. Sears got another added, which made the committee fifty-two. The whigs in it insisted, that there must be a congress. The violence of captain Sears's temper, and his influence over the populace, induced the tories to fall in with the proposal of one, rather than be exposed to the dangers of a mob; but they expected that they should prevent it. A letter was sent to the Boston committee, with a recommendation to them to appoint time and place. They approved of a congress, but declined making the appointments. The York committee considered the answer; and it was carried, to write to them afresh upon the subject. The tories were caught, for having agreed to the motion for a congress, they could not hinder it, by all their contrivances. You must admit of my using for brevity sake, the terms *whig* and *tory* for the *pro's* and *con's* on the subject of full redress to American grievances. When better can be met with, they shall be adopted: but they are universally applied in this manner by the liberty party.

The Boston committee of correspondence were sensible, that the utmost delicacy and precaution, in the use of words and expressions, were requisite in the present state of affairs; that so their enemies might not disappoint them of that support, for which they were to make a general application to all the colonists, and whom
they

they addressed on the head of the port-bill, and the distresses coming upon the inhabitants, with the utmost respect: they were careful to insert in all their letters, "It is hoped that Boston will be considered *as suffering in the common cause.*"

While these letters were circulating, the period arrived for the meeting of a new general court, which assembled at Boston; when the services of the election-May²⁵ were carried on as usual; but the hearts of many felt sad with the apprehension that it would be the last of the kind. Their forebodings were increased, by the number and characters of the elected counsellors whom governor Gage negatived, not less than thirteen. He laid nothing before the court more than the common business of the province; but gave them notice of their removal to Salem on the first of June in pursuance of the act. Learning that the house of assembly, to evade removing were hastening through the necessary business, with the greatest expedition, he adjourned the general court to the seventh of June, then to meet at *Salem*. Before that day, the inhabitants of several towns and cities, in different parts of the continent, concurred in expressing the greatest disapprobation of the measures pursued against Boston, an abhorrence of the new act, and a condemnation of the principles on which it was founded, with a resolution to oppose its effects in every manner, and to support their distressed brethren, who were to be the immediate victims. At *Philadelphia* a subscription was set on foot for the support of such poor inhabitants of Boston as should be deprived of the means of subsistence by the operation of the act. The *Virginia* house of burgesses appointed the first of June to
be

be set apart as a day of fasting and humiliation, devoutly to implore the divine interposition, for averting the heavy calamity which threatened destruction to their civil rights, and the evils of a civil war; and for giving one heart and one mind to the people, firmly to oppose every injury to the American rights. This occasioned their dissolution, but before they separated, eighty-nine of the members entered into an association, in which they declared, "That an attack made on one of our sister colonies, to compel submission to arbitrary taxes, is an attack made on all British America, and threatens ruin to the rights of all, unless the united wisdom of the whole be applied." They recommended to the committee of correspondence, to communicate with the several committees of the other provinces, on the expediency of appointing deputies, from the different colonies, to meet annually in general congress, to deliberate on those measures, which the united interests of America might from time to time require.

June
1.

Business was finished at the custom-house in Boston at twelve o'clock at noon, and the harbour shut up against all vessels bound thither; and after the fourteenth none were to be allowed to depart. The day was devoutly kept at Williamsburgh in Virginia, as a day of fasting and humiliation. There was a solemn pause in the business of Philadelphia. If we except the Quakers, near nine-tenths of the citizens shut up their houses; and the bells were rung muffled all the day. It was observed in other places as a day of mourning.

7.

The Massachusetts general court met at Salem according to adjournment, and a committee was appointed to consider and report the state of the province. Mr.

Samuel

Samuel Adams observed, that some of the committee were for mild measures, which he judged no ways suited to the present emergency. He conferred with *Mr. Warren* of Plymouth upon the necessity of giving into spirited measures, and then said, "Do you keep the committee in play, and I will go and make a *caucus* * against the evening; and do you meet me." *Mr. S. Adams* secured a meeting of about five principal members of the house, at the time specified; and repeated his endeavours against the next night; and so as to the third, when they were more than thirty: the friends of administration knew nothing of the matter. The popular leaders took the sense of the members in a private way, and found that they should be able to carry their scheme by a sufficient majority. They had their whole plan completed, prepared their resolves, and then determined

* The word *caucus*, and its derivative *caucusing*, are often used in Boston. The last answers much to what we stile *parliamentearing* or *electioneering*. All my repeated applications to different gentlemen have not furnished me with a satisfactory account of the origin of *caucus*. It seems to mean, a number of persons, whether more or less, met together to consult upon adopting and prosecuting some scheme of policy, for carrying a favorite point. The word is not of novel invention. More than fifty years ago, *Mr. Samuel Adams's* father, and twenty others, one or two from the north end of the town, where all the ship business is carried on, used to meet, make a *caucus*, and lay their plan for introducing certain persons into places of trust and power. When they had settled it, they separated, and used each their particular influence within his own circle. He and his friends would furnish themselves with ballots, including the names of the parties fixed upon, which they distributed on the days of election. By acting in concert, together with a careful and extensive distribution of ballots, they generally carried the elections to their own mind. In like manner it was, that *Mr. Samuel Adams* first became a representative for Boston.

upon

17. upon bringing the business forward. But before they went upon it, the door-keeper was ordered to let no one whatsoever in, and no one was to go out: however when the business opened, a ministerial member pleaded a call of nature, which is always regarded, and was allowed to go out. He then ran to give information of what was doing, and a messenger was dispatched to general Gage, who lived at some distance. The secretary was sent off to dissolve the general court; found the door fastened; knocked for entrance, but was answered, that the house was upon very important business, which when they had finished, they would let him in. As he could obtain no entrance, he read the proclamation upon the steps leading to the representatives' chamber, in the hearing of several members and others on the outside with him, and immediately after in the council, thus dissolving the general court. The house, while sitting with their doors shut, appointed *Thomas Cushing, Samuel Adams, Robert Treat Pain, James Bowdoin, and John Adams, esqrs.* as their committee to meet other committees, that might be convened the first of September at *Philadelphia*, voted them five hundred pounds lawful (seventy-five pounds sterling each) and chose a treasurer. They recommended also to the several towns and districts, the raising the said sum, by equitable proportions, according to the last provincial tax—a recommendation which had all the force of a law. It was a triumph to many of the sons of liberty, to think that the house had out-generalled the governor.

Sometime before the dissolution of the general court, near upon three hundred citizens of *Philadelphia* met and appointed a committee to write to Boston. Their letter

letter was temperate and firm. They acknowledged the difficulty of offering the inhabitants advice upon the sad occasion that existed; wished first to have the sense of the province in general; and observed that all lenient applications for obtaining redress should be tried, before recourse was had to extremities. They remarked that it might perhaps be right to take the sense of a general congress, before the desperate measure of putting an entire stop to commerce was adopted; and that it might be right at any rate, to reserve that measure as the last resource when all other means had failed. They mentioned, that if the making of restitution to the East India company for their teas would put an end to the unhappy controversy, and leave the people of Boston upon their ancient footing of constitutional liberty, it could not admit of a moment's doubt what part they should take; but they added, it was not the value of the tea, it was the indefeasible right of giving and granting their own money, a right from which they could never recede, that was now the matter of consideration.

The importance and necessity of a general congress was soon felt by every colony, so that the measure taken by the Massachusetts was gradually adopted by the others.

Maryland, whose zeal in the cause of liberty was ardent, had a meeting of the committees appointed by the several counties, at the city of Annapolis, who June elected five deputies for that province, "to attend a²⁵ general congress, at such time and place as may be agreed on; to effect one general plan of conduct, operating on the commercial connection of the colonies with the mother

mother country, for the relief of Boston and preservation of American liberty."

This meeting commenced three days before the election of deputies; and considering the distance of Salem from Annapolis, cannot be ascribed to the transaction of the Massachusetts assembly on the seventeenth; besides, it appears from the words *at such time and place as may be agreed on*, that the committees did not know that the Massachusetts assembly had mentioned the convening of a general congress on the first of September at Philadelphia.

When the opinion of the Boston town-meeting, respecting a joint resolution of the colonies to stop all importation and exportation till the port-bill was repealed, arrived in South Carolina; it was presented to a number of the principal gentlemen in Charlestown. The mode proposed was thought to be of too much consequence to be adopted without the universal consent of the people. It was therefore determined to request a meeting of the inhabitants. That this might be as general as possible circular letters were sent by express to every parish and district within the colony.

July
6.

A great number from almost every part of South Carolina met at Charlestown. The proceedings of parliament against Boston and the Massachusetts-bay were distinctly related to this convention of the people; on which, without one dissenting voice, they came into various resolutions. Among others they resolved, "That five gentlemen be appointed deputies on the behalf of this colony, to meet the deputies of the several colonies in North America in general congress, to consider the act lately passed, and bills depending in parliament, with regard

regard to the port of Boston and province of Massachusetts, also the grievances under which America labors, with full power and authority, in behalf of us and our constituents, to concert, and effectually to prosecute, such legal measures (by which we for ourselves and them most solemnly engage to abide) as in the opinion of the said deputies, and of the deputies so to be assembled, shall be most likely to obtain a repeal of the said acts, and a redress of these grievances."—"That, while the oppressive acts relative to Boston are enforced, we will cheerfully, from time to time, contribute toward the relief of such persons there, whose unfortunate circumstances may be thought to stand in need of most assistance:"—"That a committee of ninety-nine persons be now appointed, to act as a general committee, to correspond with the committees of the other colonies, and to do all matters and things necessary to carry the resolutions into execution; and that any twenty-one of them meet together, may proceed on business—their power to continue till the next general meeting."

The appointment of the abovementioned deputies was recognised, ratified and confirmed by the house of assembly, at their next session, on the second of August.

The Connecticut house of representatives, in expectation of the event during their recess, empowered a committee of nine, in case a congress of commissioners from the several colonies should be convened, to meet and choose delegates to serve for that colony, and to correspond with other committees. Mr. *Silas Deane* was of the committee, and being ambitious of going to congress, schemed their meeting at New London, (instead of Hartford) where through the influence of a most

VOL. I. B b worthy

13. worthy father-in-law, his own policy, and his *own* vote he obtained a majority of *one*, and became one of the four Connecticut delegates, though not viewed by those who know him most, as a person of the greatest integrity, or the truest patriotism.

At *Philadelphia*, a petition signed by near nine hundred freeholders was presented to Mr. Penn, the governor, entreating him to call a general assembly as soon as possible. This request being refused, the province proceeded to the election of deputies, who soon after met at *Philadelphia*. The resolutions passed at this meeting carry the marks of cool and temperate deliberation, as well as affection to the mother country, more than those of many others; and are at the same time equally firm in the determination of supporting the colonial rights.

In them the deputies set out with the strongest professions of duty and allegiance, and express their abhorrence of every idea of an unconstitutional independence on the parent state, and the most ardent wishes for a restoration of the former harmony. They reprobate in the strongest terms the act and bills relative to the *Massachusetts-bay*, and declare that they consider their brethren at Boston, as suffering in the common cause. They insist upon the absolute necessity of a congress to consult together and form a general plan of conduct for all the colonies. They acknowledge, that a suspension of the commerce of that large trading province with Great Britain, will greatly distress multitudes of their industrious inhabitants, but pronounce themselves ready to offer that sacrifice, and much greater, for the preservation of their liberties; however, they express their desire that congress will first try the gentle mode of stating their

their grievances, and making a firm and decent claim of redress. They conclude with declaring, that that province will break off all commercial intercourse whatever, with any town, city or colony, and individuals among them, who shall refuse, or neglect to adopt and carry into execution, such general plan as shall be agreed upon by the congress.

They did not undertake to appoint the delegates, but left it to the Pennsylvania assembly, who soon after ²² elected upon seven gentlemen.

At a meeting of delegates, from the different counties of *Virginia*, at *Williamsburgh*, beside the warmest professions of allegiance and loyalty, and several resolutions common with the other colonies, they passed others, which, considering the circumstances of the colony, with its immediate dependence on the mother country for the disposal of its only staple commodity, must be considered as very deserving of attention, because strongly indicating the true spirit of that people. They resolved not to purchase any more slaves from Africa, the West Indies, or any other place; that their non-importation agreement should take place on the first of the following November, and that if the American grievances were not redressed by the tenth of August 1775; they should export after that time, no tobacco, nor any other goods whatever to Great Britain. They recommended the cultivation of such articles of husbandry, instead of tobacco, as might form a proper basis for manufactures of all sorts; and particularly, the improvement of the breed of sheep, the multiplying of them, and the killing as few as possible. They chose as delegates to ge- Aug.

neral congress, *Peyton Randolph, Richard Henry Lee, George Washington, Patrick Henry, Richard Bland, Benjamin Harrison, and Edmund Pendleton, esqrs.*

At Newport in Rhode Island, an animating paper was circulated, with the motto JOIN OR DIE. The state of Boston was represented as a siege, and as a direct hostile invasion of all the colonies. "The generals of despotism (it says) are now drawing the lines of circumvallation around our bulwarks of liberty, and nothing but unity, resolution and perseverance, can save ourselves and posterity from what is worse than death—Slavery. The general assembly of the colony chose two deputies to represent the colony in a general congress; who were legally authorized for that service, under the hand and seal of the governor.

All the other colonies, from New Hampshire to South Carolina inclusively, adopted the measure of electing representatives to meet in general congress.

To judge aright of the present alarming state of affairs you must observe, that it does not arise from the discontent of a turbulent or oppressed nobility or gentry, so that by bringing over a few of the leaders, they will follow of course, or persist only to their ruin: it does it depend upon the resolution or perseverance of the body of merchants and dealers, so that every man, habitually studious of his immediate interest, will tremble at the thought of those consequences which may essentially affect it: nor will a few lucrative jobs or contracts split the colonists into numberless factions. On the contrary, the great force of the opposition consists in the landholders throughout America. The British lands in this continent, are, in general, and more especially

ally in the New England colonies, the Jerseys, and in
part of New York and Pennsylvania, portioned out in
such freeholds as afford that mediocrity of condition to
the possessors, which is sufficient to raise strong bodies
and vigorous minds; but seldom that superabundance
which proves so fatal to both, in old and refined coun-
tries. The American freeholders, from many circum-
stances, are more enthusiastic lovers of liberty, than ever
were the English yeomanry. The body of them are
too bold to be despised without danger, and now that
they are united too numerous to be bribed. Human
nature being the same in every quarter of the globe, had
moderation instead of compulsion been employed, feve-
rals who are at present zealous leaders, might have been
cured, and ministry (in colonies of such different man-
ners interests and principles, and on these accounts
strongly inclined to variance with each other) might have
carried many points which they will now find it difficult
impossible to do, since they have united them, by
aiding a design of subjugating each to a mode of
government, to which all without exception are averse
to the highest degree.

The Boston committee of correspondence received the
most encouraging answers to their letters; and were as-
sured that the town of Boston was considered *as suffering*
for the common cause. They had more than the strongest
expressions to console them, they had the substantial evi-
dence of facts. Ministry promised themselves mighty
advantages from making *Salem* the seat of government,
with the privilege of an open port, while the neigh-
bouring one, in itself of much greater consequence, was
lost. But the merchants and freeholders of the town

discovered a most noble spirit, which will prove a fore disappointment to them. If it was expected, that incurable envy, jealousy and animosity, would be excited between the two towns, and that the refractory capital being abandoned and left alone to ruminate upon her forlorn situation, would soon be reclaimed and brought to a full sense of her duty; the very reverse will mortify.

June
18.

The day after the dissolution of the general court, the merchants and freeholders of *Salem* presented an address to the governor, and in it expressed the most generous sentiments. They said, "We are most deeply afflicted with a sense of our public calamities; but the miseries that are now rapidly hastening on our brethren in the capital of this province, greatly excite our commiseration, and we hope your excellency will use your endeavours to prevent a further accumulation of evils, on that already sorely distressed people."—"By shutting up the port of Boston, some imagine that the course of trade might be turned hither and to our benefit; but nature in the formation of our harbour, forbids our becoming rivals in commerce with that convenient mart. And were it otherwise, we must be dead to every idea of justice, and lost to all feelings of humanity, could we indulge one thought to seize on wealth, and raise our fortunes on the ruin of our suffering neighbours." The governor was treated with the highest respect, and mention was made of their hoping much, from his general character, as well as from his wisdom and mildness in another command. They expressed the strongest attachment to the mother country, the deepest concern for the present unhappy troubles, and the most fervent wishes for a speedy and happy reconciliation, to obtain which

which they were willing to sacrifice every thing compatible with the safety and dignity of British subjects.

Marblehead, a sea-port, about three miles from Salem, and equally far with the last from Boston, but a town of no great trade, being engaged chiefly in the cod-fishery, testified its regard and compassion for the capital, by letting the suffering merchants have the free use of its wharfs and stores. Its inhabitants offered also to attend the lading and unlading of their goods, and to transact for them all the business to be done at their port, without putting them to the smallest expence.

The pity and resentment of the country at large, were excited by observations published on the Boston port-bill. Those of Mr. *Josiah Quincy*, jun. were most generally read and admired. He observed—"The Boston port-bill condemns a whole town unheard, nay, uncited to answer; involves thousands in ruin and misery, without suggestion of any crime by them committed; and is so constituted, that enormous pains and penalties must ensue, notwithstanding the most perfect obedience to its injunctions. The destruction of the tea which took place without any illegal procedure of the town, is the only alleged ground of consigning thousands of its inhabitants to ruin, misery and despair. Those charged with the most aggravated crimes, are not punishable, till arraigned before disinterested judges; heard in their own defence, and found guilty of the charge. But here a whole people are accused; prosecuted by they know not whom; tried they know not when; proved guilty they know not how; and sentenced to suffer inevitable ruin. Their hard fate cannot be averted by the most fervile submission, the most implicit obedience to

this statute. Their first intimation of it was on the tenth of May, and it took place the first of June, thence to continue in full force, till it shall sufficiently appear to his majesty, that full satisfaction hath been made by or in behalf of the inhabitants of Boston, to the East India company, for the damage sustained by the destruction of their tea; and until it shall be certified to his majesty, by the governor or lieutenant governor of the province, that reasonable satisfaction has been made to the officers of the revenue and others, for the riots and insurrection mentioned in it. So short a space is given for staying the torrent of threatened evils, that the subject though exerting his utmost energy, must be overwhelmed, and driven to madness by terms of deliverance which deny relief till his ruin is inevitable."

Others said, "Had punishment been only threatened, had it been in our own option, whether we would submit or suffer, the reason for complaint would have been less. But without previous warning in the proposal of any terms that might have prevented the coming of evil upon us, it is inflicted with ineffable vengeance; so that should we servilely submit to all required, we must notwithstanding suffer almost total ruin. The conditions upon which alone our sufferings are to be removed, far from being fixed with precision, are so loose and indeterminate, that a governor may perpetuate them during his political existence, the king in council not being enabled to open the port without his certificate. The wharfs and landing places in Boston, which are the property of numerous individuals, are as to the use of them wherein only their value consists, wrested out of their hands, and put into the king's, to be disposed of at his
plea-

pleasure. Two wharfs indeed are to be opened again, when his majesty shall think proper; but the residue are for ever interdicted the exercise of commerce."

The rough drafts of the bills "for the better regulating of the government of the *Massachusetts-bay*;" and "for the impartial administration of justice in it," as well as of that "for quartering the troops in America," upon their arrival at Boston, were instantly circulated through the continent, and filled up whatever was before wanting, of violence and indignation in most of the colonies. Even those who were moderate or seemed wavering, now became resolute and resentful. Nothing was to be heard of, but meetings and resolutions. Liberal contributions for the relief of the distressed Bostonians were every where recommended, and soon practised. Numberless letters were written from districts, towns and provinces, to the people of Boston, in which, besides every expression of sympathy and tenderness, they were commended for their past conduct, and strongly exhorted to a perseverance in that virtue, which had brought on their sufferings. It was in vain, that the friends of government attended a town meeting, and attempted to pass resolutions for the payment of the tea, and for dissolving the committee of correspondence; they found themselves lost in a prodigious majority, and had no other resource than drawing up a protest against the proceedings of that body. The Boston committee of correspondence apprehended themselves so fixed in the good opinion of the public, that they ventured to frame and publish an agreement, entitled, *A solemn league and covenant*,

General

June

29.

General Gage was so alarmed at the idea of a *solemn league and covenant*, that he issued a strong proclamation against it, stiling it an unlawful, hostile, and traitorous combination. He charged all magistrates to apprehend and secure for trial, such as should have any share in aiding or abetting the foregoing or any similar covenant. The charge was needless; for the engagement was so unguardedly expressed, and so extremely insinuating, that it was severely censured by many of the best and warmest sons of liberty, in and about Boston, who refused to give it support; so that, however it might be venerated out of the colony, it sunk into obscurity at home; and changed its form into one that was less exceptionable, and yet equally well calculated to stop the trade with Great Britain, and that accorded with those entered into about the same time, in various parts of the continent, without any previous concert with each other, any more than with Boston. The coincidence of sentiments and measures, given into by individuals, and assemblies larger and smaller, in the several and most distant colonies, without any previous contrivance, has been so remarkable, that persons, the furthest removed from superstition, have inclined to ascribe it to a special providence of God. They have been seemingly actuated by one and the same spirit, nearly at the same instant. When letters have been dispatched from Boston to fellow-patriots afar, asking or giving advice; letters from these have been upon the road, giving or asking the very advice which was wanted—the like in other matters. Not that there is a uniformity in all points through the continent. The people may be divided into two great classes. One is for rushing headlong into the greatest

greatest extremities, without waiting till other measures are tried, or receiving the general sense of the colonies; and though eager for holding a congress, would leave it nothing to do, but to prosecute the violences which they have began. The other is averse to violent measures, till all other means are ineffectually tried. They wish further applications to be made to Britain, and the grievances they complain of, with the rights which they claim, to be clearly stated and properly presented. This, they say, can be effectually done only by a general congress. There is a third party, who are friends to the British administration, or rather who do not totally disapprove of its measures; but their voice is so low, that except in a few particular places, it can scarcely be distinguished. The friends to colonial rights have a great advantage over them, not only from the goodness of their cause, but their possessing most of the presses on the continent. These are chiefly in the hands of the whigs, and news-papers publishing essays and other compositions, against the prevailing opinions of the people, have not a universal spread, and cannot prove so profitable to the proprietors, as those on the other side of the question. The command, which the sons of liberty have of the press, gives them the superiority in point of influence, over their antagonists in the periodical publications of the day.

As the Boston port-bill prohibits all water-carriage, beside shutting up the port, the merchants are under the necessity of adopting the expensive mode of bringing their goods from Salem or Marblehead, all the way round, through Cambridge and Roxbury, to Boston. Had they been allowed to bring them to Charlestown by
land,

land, and thence to cross them over by water, they would have saved a fourth of the way. But it is pleasing to observe what trade is going forward, notwithstanding the embarrassments with which it is clogged. Boston is exhibiting a scene of patience, fortitude and perseverance, which will make them renowned in history. Though liberal contributions have been made, are raising, and will be raised, for the succour of sufferers; yet it may be easily conceived, that in a town containing several thousand inhabitants, who have subsisted chiefly by commerce, and the various kinds of business subservient to it, and where the maintenance of many families depends merely upon locality, the cutting off of that grand source of their employment and subsistence, must occasion great distresses notwithstanding every relief. Even the rich are not exempt from the general calamity, as a very considerable part of their property consists in wharfs, warehouses, stores, and those numerous erections, which are destined to the purposes of commerce, but are now no longer profitable.

The people at large have been for sometime preparing to defend their rights with the point of the sword. They see, that they are either to be terrified, or driven into submission, by an armed force; and are for providing against both. The countrymen, in returning from Boston, are daily bringing out guns, knapsacks, &c. Every one appears desirous of being well accoutred. They have arms in general, the militia law requiring it of all within a certain age. Note—They are fond of shooting, are accustomed to it from early life, and are special marksmen. They are perfecting themselves in their exercise. Handling the musket and training,

ing, are the fashionable amusements of the male inhabitants, while the females encourage them to proceed. The sound of drums and fifes is constantly saluting your ears. Husbands and wives, parents and children, brothers and sisters, lovers, the young and the old, seem possessed of, or rather to be possessed by a martial spirit, and are fired with an enthusiastic zeal for liberty. In most places, but particularly in *Berkshire* and *Worcester* counties, where the influence of government was supposed to prevail most, nothing is to be seen or heard of, except the purchasing of arms and ammunition, the casting of balls, and the making of all those preparations, which testify the most immediate danger, and determined resistance.

The high military tone of the country people, is to be placed chiefly to the account of the two bills "for regulating the government of the Massachusetts," and "the impartial administration of justice in it." These bills have proposed so thorough a change in the civil and religious liberties of towns and individuals, that they view themselves as intentionally deprived of every privilege, and reduced to the necessity of fighting for all they hold dear to them. It is of the utmost consequence that juries should not be packed. The accustomed mode of electing them is excellent, but liable to abuse, and there "may have been instances wherein persons who have no regard to religion and to divine revelation, have been really picked up to serve a turn *." But this will not justify that most execrable alteration of leaving it in the power of the governor and council, through the aid of the sheriff, to obtain such a jury in

* The Rev. Mr. Whitney's Discourse.

each cause, as may best suit their passions and interests, whereby the lives and properties of the subject are put into their hands without control *.

It is also to be enacted, by the regulating bill, that after the first of August 1774, there shall be no town-meetings, without the leave of the governor or lieutenant governor in writing, expressing the special business of such meetings, first obtained, except the annual meetings in March for the choice of selectmen, constables and other officers; and in May for the election of representatives, and meetings to fill up the offices aforesaid on death or removal; and that no other matter shall be treated of at such meetings, except the election of aforesaid officers or representatives, nor at any other meeting except the business expressed in the leave given. A more obnoxious alteration could scarce have been invented.

Every town is an incorporated republic. The selectmen by their own authority, or upon the application of a certain number of townsmen, issue a warrant for the calling of a town-meeting. The warrant mentions the business to be engaged in, and no other can be legally executed. The inhabitants are warned to attend; and they that are present, though not a quarter or tenth of the whole, have a right to proceed. They choose a president by the name of Moderator, who regulates the proceedings of the meeting. Each individual has an equal liberty of delivering his opinion, and is not liable to be silenced or browbeaten by a richer or greater townsmen than himself. Every freeman or freeholder, as the

* The lords protest against the act for the better regulating of the government.

business regards either the freeholders in particular or the freemen at large, gives his vote or not, and for or against as he pleases; and each vote weighs equally, whether that of the highest or lowest inhabitant. At these town-meetings the people are used to debate and conclude upon instructions to their representatives respecting matters before, or likely to come before the general court—freely to express their sentiments regarding public transactions—to agree upon the choice of a minister, and the salary they shall give him; upon building or repairing the meeting house, and upon a variety of other interesting matters, which concern the exercise of their civil or sacred privileges. All the New England towns are upon the same plan in general, though different in certain particulars. In the colony of Rhode Island, they have no minister paid by the town as a town, nor is it allowed by the government; the salary is not a town charge, but is made up out of the voluntary contributions of the denomination to which he is joined.

From the free exercise of all the above cited rights, the Massachusetts inhabitants are to be suspended by the foregoing enacting clause. When they wish, or have occasion to hold meetings for any of the above purposes, they will be obliged to apply to the governor, who may put a negative upon every application, and who will have it in his power to prevent their settling a minister, when the pulpit is become vacant, till he can be well assured that the person on whom the choice will fall, either does or will incline to support governmental measures.

The bill for the impartial administration of justice, the people consider as threatening them with military execu-

execution, if they comply not with that for the better regulating of the government. The English blood which they have derived from their forefathers, without corrupting it by foreign mixtures, for they have been too national to encourage, like some colonies, the settlement of foreigners among them—that blood boils in their veins at these two bills, and fires them to a military opposition. The inhabitants of Connecticut mean not to be idle spectators of the fate of their sister colony, which can only be a prelude to their own, and are therefore giving into equal exertions for stemming the approaching torrent.

Soon after general *Gage's* arrival, two regiments of foot, with a small detachment of the artillery and some cannon, were landed at Boston, and encamped on the common. These troops were by degrees re-inforced by the arrival of several regiments from Ireland, New York, Halifax, and at length from Quebec. The arrival and station of these troops, was far from being agreeable to the inhabitants; nor was the jealousy in any degree less, in the minds of their neighbours of the surrounding counties. The dissatisfaction was increased by placing a guard upon Boston neck, the narrow isthmus which joins the peninsula to the continent; for which measure the frequent desertion of the soldiers was the assigned reason. Individuals have encouraged such desertion; and the Boston committee have not failed to contribute to the temptation, by making the situation of the soldiery, as disagreeable as they could, and by counteracting all endeavours to render it comfortable. They act systematically for the prevention of all supplies for the British troops. Through their connection with the neighbour-
ing

ing committees, the farmers and others are prevented selling them their straw, timber, slit-work, boards, in short every article excepting provisions necessary for their subsistence. The straw which is purchased for their service is daily burnt. Vessels with brick, intended for the army, are sunk; and carts with wood are overturned. Thus, by some contrivance or other, purchases are either prevented, or when made, the king's property is destroyed in every manner in which it can be effected. While these things are doing, a trifling circumstance gives the inhabitants of Boston a full earnest of the support they may expect from the country in case of extremity, and an opportunity of knowing the general temper of the people. A report spreads, that a regiment posted on the neck, has cut off all communication with the country, in order to starve the town into a compliance with any measures which may be proposed to it. Upon this vague report, a large body of the inhabitants of Worcester county assemble, and dispatch two messengers express to Boston, to discover the truth of the information. These envoys acquaint the townsmen, that if the report had been true, there were several thousand armed men ready to have marched to their assistance. They tell them further, that they are commissioned to acquaint them, that even though they should be disposed to a surrender of their liberties, the people of the country will not think themselves at all included in their act; that by the late act and the bills pending in the British parliament, when the last intelligence was received, their charter was utterly vacated; and that the compact between Britain and the colonies being thus dissolved, they

are at full liberty to combine together, in what manner and form they think best, for mutual security.

Aug.
4.

The governor, by a proclamation for the encouragement of piety and virtue, the prevention and punishment of vice, profaneness and immorality, has exasperated the minds of the people, owing to the insertion of *hypocrisy* among the immoralities. They have been scoffed at and reproached by enemies, and those of looser manners, for a pharisaical attention to outward forms and the appearances of religion; and therefore view this insertion as an intended insult. With the new acts, the governor received a list of 36 new counsellors, who agreeable to the new regulations, have been appointed by the crown, contrary to the method prescribed by the charter. About twenty-four of the gentlemen have accepted, so that there is a sufficient number to attempt carrying on the business of government. But the courts of judicature at Boston are suspended, for the grand jurors refuse to take the oaths, and to act under new judges and laws. The petit jurors decline serving, on account of *Peter Oliver* esq; standing impeached by a late honorable house of commons of the province, and of the judges of the superior court being made to depend upon the crown. Not only so, but the great and petty juries through the colony, unanimously refuse to act in any manner under the new regulations, and the clerks of the court have found it necessary to acknowledge their contrition in the public papers, for issuing the warrants by which the juries were summoned, and not only to declare that they will not act so again, but to apologize for what they have done. At Great

Barrington

Barrington and some other places, the people assembled in large bodies; and filled the court-house and avenues in such a manner, that neither judge nor officer could obtain entrance; and upon the sheriff's commanding them to make way for the court, they answered, "We know no court, nor any other establishment, independent of the ancient laws and usages of our country, and to none other will we submit, or give way upon any account."

At Salem the merchants, freeholders, and other inhabitants, were by hand-bills summoned to meet on Wednesday the twenty-fourth, to consider on measures for opposing the execution of divers late acts of parliament. The day preceding the intended meeting, the 23. governor, who resides within a few miles of the place, published a proclamation prohibiting all persons from attending. The proclamation being disregarded, a company of soldiers were ordered into town to disperse the meeting; but before they got to it, the business was finished, and the inhabitants withdrawn. Three of the gentlemen were apprehended, but gave bonds to appear in court, and so were discharged.

The proceedings of the people and their manifest dispositions have alarmed the general, who has thought necessary for the safety of the troops, as well as to secure the important post of Boston, to fortify the entrance at the neck, which affords the only communication, except by water, between the town and the continent. His own personal safety, while at his country residence at Danvers; would have been endangered, had not the rudence of Samuel Holten, esq; M. D. a genuine, de-

terminated, but considerate son of liberty, cooled and moderated the temper of his neighbours.

William Brattle esq; frequently an elected counsellor under the charter, having given a hint to the governor to secure the provincial ammunition, he sent two companies of soldiers across the river long before day break who possessed themselves of the powder in the arsenal at Charlestown. The news circulated apace, and in the morning the inhabitants of the neighbouring towns, to the amount of several thousands, assembled at Cambridge, mostly in arms. They proceeded to the lieutenant governor Oliver's house, and to the houses of several of the new counsellors, and of others who they thought had shown themselves unfriendly to the province. Some of the counsellors were obliged to resign, and to declare they would no more act under, what are pronounced the arbitrary laws lately enacted. It was with difficulty that the multitude was restrained from marching directly to Boston, there to demand a delivery of the powder, and in case of refusal to attack the troops. This collection of people, and the confusion necessarily attending the transactions, gave rise to a rumor, that the fleet and troops were firing upon the town of Boston, which flew with amazing rapidity through New England; and in less than 24 hours after, there were between 30 and 40,000 men in arms, some of whom marched from 20 to 30 miles toward Boston before they were undeceived. This report and the seizure of the powder, roused the inhabitants in the other colonies beyond New England so that they immediately began learning the military exercise. The transaction at Cambridge produced such

other

other risings in the colony as obliged more of the new council to resign or to flee to Boston; whither, by the close of the month, the commissioners, the custom-house officers, and all who have made themselves particularly obnoxious, by taking an active and decided part against the country, repaired for protection. Thus is the seat of government at Salem abandoned, and the apparatus of a custom-house removed to a place, which an act of parliament has proscribed from all trade.

About this time the governor's company of cadets, consisting of Boston gentlemen, disbanded themselves, and returned him the standard he presented to them upon his arrival. This flight was owing to his taking away the commission from Mr. Hancock, who was colonel of the corps. But Mr. *John Murray*, a colonel of the militia, having accepted a seat in the new council, twenty-four officers of his regiment resigned their commissions in one day. Such is the prevailing spirit, that all persons accepting offices under the new laws, or preparing to act in conformity to them, are declared enemies to their country, and threatened accordingly.

The seizing of the powder, and the withholding from the legal proprietors what is lodged in the magazine of Boston, and the design carrying into execution, of repairing and manning the fortification at the entrance of the town, have occasioned the holding an assembly of delegates from the several towns and districts in the county of Suffolk, of which Boston is the county town. After a most spirited preamble, they resolved among other things, "That no obedience is due from this province to either or any part of the late acts, but that they be rejected as the attempts of a wicked ad-

ministration to enslave America:—That so long as the justices are appointed or hold their places, by any other tenure than that which the charter and the laws of the province direct, they must be considered as unconstitutional officers, and as such no regard ought to be paid to them by the people of this country:—That if the justices shall sit and act during their present disqualified state, this county will bear harmless all sheriffs, jurors and other officers, who shall refuse to carry into execution the orders of said courts:—That it be recommended to the collectors of taxes and all other officers who have public monies in their hands, to retain the same and not to make any payment thereof to the provincial county treasurer, until the civil government of the province is placed upon a constitutional foundation, or it shall be otherwise ordered by the proposed provincial congress:—That the persons, who have accepted seats at the council board, by virtue of a mandamus from the king, have acted in a direct violation of the duty they owe to their country; this county do recommend it to all, who have so highly offended, and have not already resigned, to make public resignation on or before the 20th of this instant September; all, refusing so to do, shall after said day, be considered by this county as obstinate and incorrigible enemies to this country:—That the fortifications begun and now carrying on upon Boston neck, gives us reason to apprehend some hostile intention against that town:—That the late act establishing the Roman Catholic religion in Quebec, is dangerous in an extreme degree to the Protestant religion, and to the civil rights and liberties of all America:—That whereas our enemies have flattered themselves, that they shall make

make an easy prey of this numerous brave people, from an apprehension that they are unacquainted with military discipline; we therefore, for the honor and security of this county and province advise, that such persons be elected in each town as officers in the militia, as shall be judged of sufficient capacity, and who have evidenced themselves the inflexible friends to the rights of the people, and that the inhabitants do use their utmost diligence to acquaint themselves with the art of war, and do for that purpose appear under arms at least once every week:—That during the present hostile appearances on the part of Britain, we are determined to act merely upon the defensive so long as such conduct may be vindicated by reason and the principles of self-preservation, but no longer:—That as we understand it has been in contemplation to apprehend sundry persons of this county, we do recommend, should such measure be put in practice, to seize and keep every servant of the present government throughout the province, until the persons so apprehended be restored uninjured:—That we recommend to all persons, not to engage in any routes, riots, or licentious attacks upon the properties of any person whatsoever, as being subversive of all order and government; but by a steady, manly, uniform, and persevering opposition, to convince our enemies, that in a contest so important, in a cause so solemn, our conduct shall be such as to merit the approbation of the wise, and the admiration of the brave and free of every age and of every country.” They then drew up an address to the governor, and voted that Dr. *Joseph Warren* (a physician, an amiable gentleman, who wishes for a reconciliation between the colonies and the parent state,

upon a redress of grievances, and aims not at independency) with others, be a committee to wait on his excellency, to inform him how the county is alarmed, and to remonstrate against the fortifications making on the neck, and the repeated insults offered by the soldiery, to persons passing and repassing into Boston, and to confer with him on those subjects. The governor was waited upon to know if he would receive the committee with the address; but desiring a private copy of it, that when he received them, he might be ready with a prepared answer, he was furnished with it, and afterward fixed on Monday the 12th for receiving the committee. The doings of the county delegates, and a copy of the address to the governor have been sent off by express to the general congress now met at Philadelphia. On the Monday, when the committee had delivered the address of the county, he answered to it, "I have no intention to prevent the free egress and regress of any person to and from the town of Boston. I shall suffer none under my command to injure the person or property of any of his majesty's subjects; but it is my duty to preserve the peace, and to prevent surprise; and no use will be made of the cannon, unless the hostile proceedings of the people shall render it necessary." The patriots are waiting earnestly for the opinion of congress on the Suffolk resolves, in hopes that they will be approved of; and if so, they will go on with greater resolution and courage; for they will consider such approbation as a declaration, that the colony will be supported by congress, in case hostilities are necessary for the preservation of its liberties, and is also justifiable in arming and training the militia.

Mr.

Mr. Quincy is upon the point of sailing for Britain, at the request of several co-patriots. Be so obliging as to pay a proper attention to him: you will be pleased at finding him so intelligent a gentleman, and may rely upon his information. Shall keep the letter open, that if the sense of congress is received time enough, it may be forwarded.

P. S. The sons of liberty are in high spirits. The Suffolk resolves were before congress on Saturday morning, the 17th, and were considered; after which it was *resolved unanimously*, "That this assembly deeply feels the suffering of their countrymen in the *Massachusetts-bay*, under the operation of the late unjust, cruel, and oppressive acts of the *British* parliament:—That they most thoroughly approve the wisdom and fortitude with which opposition to these wicked ministerial measures has hitherto been conducted, and they earnestly recommend to their brethren, a perseverance in the same firm and temperate conduct as expressed in the resolutions determined upon, at a meeting of the delegates for the county of *Suffolk*, on Tuesday the 6th instant, (that was the day of their first meeting, but they did not finish till the 9th) trusting that the effect of the united efforts of *North America* in their behalf, will carry such conviction to the *British* nation, of the unwise, unjust, and ruinous policy of the present administration, as quickly to introduce better men and wiser measures:—" *Resolved unanimously*, That contributions from all the colonies for supplying the necessities, and alleviating the distresses of our brethren at *Boston*, ought to be continued, in such manner, and so long as their occasions may require."

Mr. Quincy sails to-day.

L E T-

L E T T E R X.

Roxbury, Feb. 3, 1775.

THE measures pursued by the British ministry, for subjecting America to parliamentary authority in all cases whatever, have united the twelve colonies, from New Hampshire to South Carolina inclusively, into a compact body. Many on the side of government flattered themselves, that the event would never exist. They had no small ground for it, considering that several of the colonies clash in their particular interests; have been frequently quarrelling about boundaries and other matters; differ greatly in manners, customs, religion and constitutions; and have local prejudices, jealousies and aversions. But they have been pressed by a common danger, threatening the most valuable rights of each individual province, so that they have all elected delegates to meet in a general congress to consult in what way to obtain a redress of grievances, and ward off the impending ruin. The ministerial influence in New York has not prevailed as was expected, to keep that colony from joining the others. Great dependence was had upon their monied men; but the cause of liberty was too popular, and the numbers that espoused it too many and too independent, either to be bribed or overawed.

Sept. 5. The delegates being arrived at Philadelphia, from all the colonies except North Carolina, they met in general congress,

congress, and proceeded to the choice of a president, when *Peyton Randolph* esq; was unanimously elected, and *Mr. Charles Thomson* was unanimously chosen secretary. They resolved, that “in determining questions, each colony shall have one vote.” Before they engaged in any special business, the North Carolina delegates joined them. The number of the whole when together, is fifty-two, beside the president. The first important service wherein they engaged, you have had an account of in the preceding postscript. In their subsequent resolutions they declared, “That if the late acts of parliament ^{0a.} shall be attempted to be carried into execution by force, ^{8.} in such case all *America* ought to support the inhabitants of the *Massachusetts-bay* in their opposition:—That if it be found absolutely necessary to remove the people of Boston into the country, all *America* ought to contribute toward recompensing them for the injury they may thereby sustain:—And that every person, who shall accept, or act under any commission or authority derived from the act of parliament, changing the form of government and violating the charter, ought to be held in detestation.” They have written a letter to general *Gage*, ^{10.} in which they express the deepest concern at his proceeding in a manner that bore so hostile an appearance, and which even the oppressive acts of parliament did not warrant. They represent the tendency this conduct must have to irritate and force the people, hitherto well-disposed to peaceable measures, into hostilities, which may prevent the endeavours of congress to restore a good understanding with the parent state, and may involve us in the horrors of a civil war. They express their hope, that the general, to quiet the minds of the people, will
discontinue

discontinue the fortifications in and about Boston, prevent any further invasions of private property, restrain the irregularities of the foldiers, and give orders that the communication between the town and country may be open, unmolested and free.

The general in his answer said, "No troops have given less cause for complaint, and greater care was never taken to prevent it; and such care and attention was never more necessary from the insults and provocations daily given to both officers and foldiers. The communication between the town and country has been always free and unmolested, and is so still." This assertion may appear perfectly just to a military gentleman; but may be otherwise thought of by one in a civil department, who means that the entrance into a town should have neither guards nor sentinels, either to stop or challenge passengers, whether by night or by day. The general intimated, that the hostile preparations throughout the country, and the menaces of blood and slaughter made it his duty to fortify the neck. He concluded with—"I ardently wish, that the common enemies to both countries may see, to their disappointment, that these disputes between the mother country and the colonies, have terminated like the quarrels of lovers, and increased the affection which they ought to bear to each other."

The congress have also made a declaration of rights (contained within a number of resolves) to which, they say, the *English* colonies of North America are entitled by the immutable laws of nature, the principles of the English constitution, and their several charters or compacts. In the first of these are life, liberty and property,

ty, a right to the disposal of any of which, without their consent, they have never ceded to any sovereign power whatever. They mention, that their ancestors, at the time of their emigration, were entitled to all the rights, liberties and immunities of free and natural born subjects, within the realm of England; and that by such emigration they by no means forfeited, surrendered or lost any of those rights; but that they were, and their descendants now are, entitled to the enjoyment of all such of them, as their local and other circumstances enabled them to exercise. They then state, that the foundation of English liberty, and of all free government, is a right in the people to participate in their legislative council; and proceed to show, that as the colonists are not, and from various causes, cannot be represented in the British parliament, they are entitled to a free and exclusive power of legislation in their several provincial legislatures, where their right of representation can alone be preserved, in all cases of taxation and internal policy, subject only to the negative of their sovereign, in such manner as had heretofore been used.

To qualify the extent of this paragraph, which may seem to leave no means of parliamentary interference, for holding the colonies to the mother country, they declare, that, from the necessity of the case, and a regard to the mutual interests of both countries, they cheerfully consent to the operation of such acts of the British parliament as are, *bona fide*, restrained to the regulation of their external commerce, for the purpose of securing the commercial advantages of the whole empire to the mother country, excluding every idea of taxation, either
inter-

internal or external, for raising a revenue on the subjects in America without their consent.

They resolved, "That the respective colonies are entitled to the common law of England, and more especially to the great and estimable privilege of being tried by their peers of the vicinage; to the benefit of such of the English statutes as existed in the time of their colonization, and which they have found to be applicable to their several and other local circumstances; and to all the immunities and privileges granted and confirmed to them by royal charters, or secured by their several codes of provincial laws:—That, they have a right to assemble peaceably, consider of their grievances, and petition the king; and that all prosecutions, prohibitory proclamations, and commitments for the same, are illegal:—That the keeping a standing army in these colonies, in times of peace, without the consent of the legislature of that colony in which such army is kept, is against law:—That it is rendered essential to good government, by the English constitution, that the constituent branches of the legislature be independent of each other; that therefore the exercise of legislative power, by a council appointed, during pleasure, by the crown, is unconstitutional and destructive to the freedom of American legislation."

They proceeded to claim, in behalf of themselves and constituents, and to insist on the foregoing articles as their indisputable rights and liberties, which cannot be legally taken from them, altered or abridged by any power whatever, without their own consent by their representatives in their several provincial legislatures. They then resolved concerning eleven acts of parliament, or

parts

parts of acts, passed in the present reign, that "they are infringements and violations of the foregoing rights, and that the repeal of them is essentially necessary, in order to restore harmony between Great Britain and the American colonies." Among these is the Quebec bill, which is termed, "an act for establishing the Roman catholic religion in the province of Quebec, abolishing the equitable system of English laws, and erecting a tyranny there, to the great danger (from so total a dissimilarity of religion, law and government) of the neighbouring British colonies, by the assistance of whose blood and treasure the said country was conquered from France."

After specifying their rights and enumerating their grievances, they mention, that in hopes of being restored to that state, in which both countries formerly found happiness and prosperity, they have for the present, only resolved to pursue the following peaceable measures, viz. to enter into a non-importation, non-consumption, and non-exportation agreement; and to prepare an address to the people of Great Britain, a memorial to the inhabitants of British America, and a loyal address to his majesty.

By the association they have bound themselves, and intentionally their constituents, to a strict observance of fourteen articles. They have agreed by the second, That after the first of December next, they will wholly discontinue the slave trade, and will neither hire their vessels, nor sell their commodities to those who are concerned in it:—By the third, That from that day, they will not purchase or use any tea imported on account of the East India company, or any on which a duty hath

hath been or shall be paid ; and from and after the first of March next, they will not purchase or use any East India tea whatever, nor any of those goods, they have agreed not to import, which they shall have cause to suspect were imported after the first of December, except such as come under the directions afterward mentioned:—By the fourth, That the non-exportation agreement shall be suspended to the tenth of September 1775, after which, if the acts or parts of acts objected to are not repealed, they will not directly or indirectly export any commodity whatsoever to Great Britain, Ireland or the West Indies, except rice to Europe:—By the fifth, That they will never more have any commercial intercourse with any British merchants, who may ship goods in violation of and with a view of breaking the association:—By the eighth, That they will encourage frugality, œconomy and industry, promote agriculture arts and manufactures, discourage every species of extravagance and dissipation, and will wear no other mourning than a piece of crape or ribbon:—By the fourteenth and last, That they will have no trade, dealings or intercourse whatsoever, with any North American colony or province, that shall not accede to, or that shall hereafter violate the association ; but will hold them as inimical to their country. This association, which is to continue in force, till the above acts, or parts of acts, wherein they relate to the colonies, are repealed, has been signed

24. by all the members of congress.

In their address to the people of Great Britain, the congress pay the highest praise to the noble and generous virtues of their and our common ancestors ; but in a way which rather reproaches you with a shameful degeneracy.

neracy. They tell you not to be surpris'd, that they, who are descended from the same common ancestors, should refuse to surrender their liberties and the constitution you so justly boast of, to men, who found their claims on no principles of reason, and who prosecute them with a design, that by having *our* lives and property in their power, they may with the greater facility enslave *you*. They complain of being oppress'd, abused and misrepresented, so that it is become a duty to themselves and their posterity, and to the general welfare of the British empire, to address you on this very important subject. They call upon you yourselves, to witness to their loyalty and attachment to the common interest of the whole empire; to their efforts in the last war; and to your own acknowledgment of their zeal, and your even reimbursing them large sums of money, which you confessed they had advanced beyond their proportion, and far beyond their abilities. They proceed to state and examine the measures and the several acts of parliament, which they consider as hostile to America; and represent the probable consequences to your country should ministry be able to carry the point of taxation, and reduce the colonies to a state of perfect slavery. They ingeniously endeavour to render theirs a cause common to both countries, by showing, that such success might in the end, be as fatal to the liberties of Britain as to those of America. "Take care (say they) that you do not fall into the pit preparing for us." After denying the several charges of being seditious, impatient of government, and desirous of independency, which they assert to be calumnies; they declare, that if neither the voice of justice, the dictates of the law, the prin-

ciples of the constitution, nor the suggestions of humanity, can restrain your hands from shedding of human blood in such an impious cause; they must tell you, "That they never will submit to be hewers of wood, or drawers of water for any ministry or nation in the world." They afterward make a proposal, which, if duly attended to, may afford a favorable basis for negotiation—"Place us in the same situation that we were in at the close of the last war, and our former harmony will be restored." The same truth was transmitted to some of the ministry by the late reverend Mr. *Whitefield* before his death in 1770 at Newbury-port, in nearly the following words, "Would you have peace and harmony restored through the colonies, you must attend to the military phrase, *right about as you were*." The like sentiment was confirmed by a subsequent letter, from another quarter, after a designed conference upon the subject with *Thomas Cushing* and *Samuel Adams* esqrs. of Boston, and *Thomas Lynch* esq; of South Carolina. The congress conclude their address, by expressing the utmost regret at their being compelled by the over-ruling principles of self-preservation, to adopt measures detrimental to numbers of their fellow subjects in Great Britain and Ireland, in the suspension of their importations from both these kingdoms. They finally rest their hope of a restoration of that harmony, friendship and fraternal affection between all the inhabitants of his majesty's kingdoms and territories, so ardently wished for by every true and honest American, upon the magnanimity and justice of the British nation, in furnishing a parliament of such wisdom, independence and public spirit, as may save the violated rights of the whole empire, from the devices

devices of wicked ministers and evil counsellors, whether in or out of office.

Congress, in their memorial to the inhabitants of British America, inform the colonies, that they have diligently, deliberately and calmly inquired into all the measures, which have excited the present disturbances; and that upon the whole they find themselves reduced to the disagreeable alternative of being silent, or betraying the innocent, or of speaking out and censuring those they wish to revere. They prefer the course dictated by honesty, and a regard for the welfare of their country. After stating and examining the several laws which have been passed, and the measures which have been pursued with respect to America, since the conclusion of the late war to the present period, they inquire into the motives for the particular hostility against the town of Boston and province of Massachusetts-bay; though the behaviour of the people in other colonies, has been in equal opposition to the power assumed by parliament; notwithstanding which no step had been taken against any of them by government. This they represent as an artful systematic line of conduct, concealing several designs, adding, "It is expected that the province of the Massachusetts-bay will be irritated into some violent action, that may displease the rest of the continent, or that may induce the people of Great Britain to approve the meditated vengeance of an imprudent and exasperated ministry. If the unexampled pacific temper of that province shall disappoint this part of the plan, it is hoped the other colonies will be so far intimidated as to desert their brethren, suffering in a common cause, and that thus disunited all may be subdued." They proceed to

state the importance of the trust, which has been reposed in them, and the manner in which they have discharged it; and deeply deplore the necessity which pressed them to an immediate interruption of commerce, and apologize with saying, "We are driven by the hands of violence into unexperienced and unexpected public convulsions, and are contending for freedom so often contended for by our ancestors. "The people of England," say they, "will soon have an opportunity of declaring the sentiments concerning our cause. In their piety, generosity and good sense, we repose high confidence, and cannot upon a review of past events be persuaded, that *they*, the defenders of true religion, and the assertors of the rights of mankind, will take part against their affectionate protestant brethren in the colonies, in favor of our open and their own secret enemies, whose intrigues for several years past have been wholly exercised in sapling the foundations of civil and religious liberty." Toward the close they have these words, "We think ourselves bound in duty to observe to you, that the schemes agitated against these colonies have been so conducted as to render it prudent that you should extend your view to the most unhappy events, and be in all respects prepared for every contingency."

The address of congress to his majesty is clothed in the habit of an humble petition, wherein they beg leave to lay their grievances before the throne. After an enumeration of them, they implore his clemency for protection against them; and impute all their distresses, dangers and fears, to the destructive system of colonial administration adopted since the conclusion of the late war. They express their apprehension, that as his majesty

ty enjoys the signal distinction of reigning over freemen, the language of freemen cannot be displeasing; adding, "Your royal indignation, we hope, will rather fall on those designing and dangerous men, who daringly interposing themselves between your royal person and your faithful subjects, and for several years past incessantly employed to dissolve the bonds of society, by abusing your majesty's authority, misrepresenting your American subjects, and prosecuting the most desperate and irritating projects of oppression, have at length compelled us, by the force of accumulated injuries, too severe to be any longer tolerable, to disturb your majesty's repose by our complaints." They beg leave to assure his majesty, that in regard to defraying the charge of the administration of justice and the support of civil government, such provision has been and will be made, as has been and shall be judged, by the legislatures of the several colonies, just and suitable to their respective circumstances; and that for the defence, protection and security of the colonies, their militias, if properly regulated as they earnestly desire may be immediately raised, would be fully sufficient, at least in times of peace; and in case of war his faithful colonists will be ready and willing, as they ever have been when constitutionally required, to demonstrate their loyalty, by exerting their most strenuous efforts in granting supplies and raising forces. They say, "We ask but for peace, liberty and safety. We wish not a diminution of the prerogative, nor do we solicit the grant of any new right in our favor. Your royal authority over us, and our connection with Great Britain, we shall always carefully and zealously endeavour to support and maintain."—"We

present this petition only to obtain redress of grievance, and relief from fears and jealousies, occasioned by the system of statutes and regulations adopted since the close of the late war, by the abolition of which system, the harmony between Great Britain and these colonies, will be immediately restored. In the magnanimity and justice of your majesty and parliament we confide for redress of our other grievances; trusting, that when the causes of our apprehensions are removed, our future conduct will prove us not unworthy of the regard, we have been accustomed in our happier days to enjoy. For, appealing to that Being who searches thoroughly the hearts of his creatures, we solemnly profess, that our councils have been influenced by no other motive, than a dread of impending destruction." They implore his majesty in the most solemn manner, as the loving father of his whole people, connected by the same bands of law, loyalty, faith and blood, not to suffer the transcendent relation formed by these ties to be further violated, in uncertain expectation of effects, that if attained, never can compensate for the calamities through which they must be gained. They most earnestly beseech him, that his royal authority and interposition may be used for their relief; and that a gracious answer may be given to their petition. The close is a prayer, that his majesty may enjoy every felicity through a long and glorious reign, and that his descendants may inherit his prosperity and dominions till time shall be no more.

The congress, a week after resolving upon the association, an address to the people of Great Britain, a memorial to the inhabitants of the colonies, and an address to his majesty, further resolved, "That an address be

prepared to the people of Quebec, and letters to the colonies of St. John's, Nova Scotia, Georgia, East and West Florida, who have not deputies to represent them in this congress."

Their address to the French inhabitants in Canada, discovers the most dexterous management, and the most able method of application to the temper and passions of the parties; whom they endeavour to gain. They state the right they had, upon becoming English subjects, to the inestimable benefits of the English constitution; and that this right was further confirmed by the royal proclamation in 1763, plighting the public faith for their full enjoyment of those advantages. They impute to succeeding ministers an audacious and cruel abuse of the royal authority, in withholding from them the fruition of the irrevocable rights, to which they were thus justly entitled. They undertake to explain to them, some of the most important branches of that form of government from which they are debarred; and in so doing, quote passages from their countryman Montesquieu, whom they artfully adopt as a judge and an irrefragable authority upon this occasion. They then proceed to specify and explain, under several distinct heads, the principal rights to which the people are entitled by the English constitution; and these rights they truly say, defend the poor from the rich, the weak from the powerful, the industrious from the rapacious, the peaceable from the violent, the tenants from the lords, and all from their superiors.

They attempt pointing out numberless deformities in the Quebec-bill, and placing them in those points of view which should render it odious to mankind. They

renew their applications to the passions and partiality of the Canadians; and at length introduce Montesquieu as addressing them thus; "Seize the opportunity presented to you by providence itself. You are a small people compared with those who with open arms invite you into a fellowship. A moment's reflection should convince you, which will be most for your interest and happiness, to have all the rest of North America your unalterable friends, or your inveterate enemies. Your province is the only link wanting to complete the bright and strong chain of union. Nature has joined your country to theirs. Do you join your political interests. The value and extent of the advantages tendered to you are immense. Heaven grant you may not discover them to be blessings after they have bid you an eternal adieu." They endeavour to obviate the jealousies and prejudices which might arise from the difference of their religious principles, by instancing the case of the Swiss Cantons, whose union is composed of Roman Catholic and Protestant states, living in the utmost concord and peace with one another, and thereby enabled to defy and defeat every tyrant that has invaded them. The congress, upon this article, appear to have winked out of sight their complaint about establishing the Roman Catholic religion in Quebec, and to expect that it would be unknown to the Canadians, or give them no umbrage. They declare, that they do not ask them to commence hostilities against the government of their common sovereign, but only invite them to consult their own glory and welfare, and to unite with them in one social compact. They conclude by informing them, that the congress had, with universal pleasure, and an unanimous

unanimous vote, resolved, That they should consider the violation of their rights, by the act for altering the government of their province, as a violation of their own; and That they should be invited to accede to their confederation.

Before this address was perfected and signed, congress Oct. resolved "That the seizing, or attempting to seize any ^{21.} person in America, in order to transport such person beyond the sea, for trial of offences committed in America, being against law, will justify and ought to meet with resistance and reprisal." They have also agreed, that another congress shall be held on the 10th day of May next, unless the redress of grievances be obtained before that time.

The general congress, having finished their delibera- ^{26.} tions, dissolved themselves. The impartial world will go near to acknowledge, that the petitions and addresses from the congress have been executed with uncommon energy, skill and ability; and that abstractedly considered, in respect to vigor of mind, strength of sentiment, and patriotic language, they would not disgrace any assembly whatsoever. The studied attention that congress have paid to the Massachusetts-bay and its distressed capital, will both console and invigorate the inhabitants. Many however of the congressional acts were neither carried unanimously, nor without much debate. Mr. Galloway of Pennsylvania, and Mr. Duane of New York, inclined to the side of ministry. The former became a member at the earnest solicitation of the assembly, and refused compliance till they had given him instructions agreeable to his own mind, as the rule of his conduct. These instructions they suffered him to draw

draw up: they were briefly to state the rights and the grievances of America, and to propose a plan of amicable accommodation of the differences between Great Britain and the colonies, and of a perpetual union. September the twenty-eighth a plan was proposed by him, which was debated a whole day, when the question was carried six colonies to five, that it should be resumed and further considered: but it at length fell through. The ten resolutions which the congress came to in their declaration, expressing their indubitable rights and liberties, met with very considerable opposition. Mr. Duane and others who drew with him, perplexed the proposals made by the high sons of liberty, so that the congress did not come to a single resolution for more than a fortnight, neither in stating their rights nor their grievances. When six days before that declaration, on October the eighth, the resolution was passed, "that the congress approve the opposition of the inhabitants of the Massachusetts-bay to the execution of the late acts of parliament; and if the same shall be attempted, &c. (p. 395.)" Galloway and Duane not only opposed, but wanted to have their protests entered; which being refused, on their return from congress they gave each other a certificate, declaring their opposition to that question, as they thought it a treasonable one*. In some stage of their proceedings, the danger of a rupture with Britain was urged as a plea for certain concessions. Upon this Mr. S. Adams rose up, and among other things said in substance, "I should advise persisting in our struggle for liberty, though it was revealed from heaven that 999

* Parliamentary Debates relative to general Howe. Mr. Galloway's answers.

were to perish, and only one of a thousand to survive, and retain his liberty. One such freeman must possess more virtue, and enjoy more happiness than a thousand slaves; and let him propagate his like, and transmit to them what he hath so nobly preserved." It was a flight of patriotism, serving to show the temper of the speaker: but the sentiment is so hyperbolical, as to throw it far beyond the reach of practice. Mr. S. Adams having seen an happy issue to the important deliberations of the general congress, after his return repaired to the Massachusetts provincial congress to aid in their deliberations.

General Gage, by the advice of his new council, issued writs for the holding of a general assembly at Salem on the 5th of October. The events which afterward took place made him think it expedient to counteract the writs, by a proclamation for suspending the meeting of the members returned. But the legality of the proclamation was called into question; and the new members, to the number of 90, met according to the precepts, on the day and at the place appointed. Having waited that day, without the presence of the governor, or any substitute for him, to administer the oaths and open the session; on the next they appointed a committee to consider the proclamation; and on the third, resolved themselves into a provincial congress, to be joined by such others as have been or shall be chosen, to take into consideration the dangerous and alarming situation of public affairs. The following day they met in provincial congress and adjourned to Concord, about 20 miles from Charlestown, and when there chose Mr. *Hancock* president. They proceeded to appoint a committee to wait upon the governor with a remonstrance,
in

in which they apologize for their meeting, from the distressed state of the colony; express the grievous apprehensions of the people; assert that the rigor of the Boston port-bill is exceeded by the manner in which it is carried into execution; and complain of the late laws and the hostile preparations on Boston-neck. They conclude with adjuring him, to desist immediately from the construction of the fortrefs at the entrance into Boston, and to restore that pass to its natural state. The governor was involved in some difficulty as to giving them an answer, for he could not acknowledge the legality of their assembly. Necessity however prevailed. He expressed great indignation at the idea's being formed, that the lives, liberties, or property of any people, except avowed enemies, could be in danger from English troops; and observed, that notwithstanding the enmity shown to the troops, by withholding from them almost every thing necessary for their preservation, they had not yet discovered the resentment which might justly have been expected to arise from such hostile treatment. He reminded them, that while they complained of alterations made in their charter by acts of parliament, they were themselves by their present assembling, subverting that charter, and now acting in direct violation of their own constitution: he therefore warned them of the rocks they were upon, and to desist from such illegal and unconstitutional proceedings. But they were not in the least diverted from prosecuting their measures. They

0a. 17. adjourned to and met at Cambridge.

21. A committee was appointed to draw up a plan for the immediate defence of the province. It was concluded to raise and enlist a number of *minute-men*, now
for

for the first time so called, from their being to turn out with their arms at a minute's warning. Upon the debate for raising money to purchase military articles, a thousand pound (lawful, a fourth less than sterling) was moved for and seconded; then two thousand. The country members in common had no conception of the expences attending warlike operations; and were dreadfully afraid of voting away their own and their constituent's money, however necessary the expenditure of it. They are generally persons of good understanding in matters within their own sphere, but are not competent judges of those that lie without it: and being accustomed only to small sums, startle at the mention of those, which to them have the comparative appearance of enormously large: and yet it is needful to humor their want of scientific knowledge, to prevent disgust and obtain their support. Of this the more intelligent members of the assembly were sensible. Therefore the debate was closed by appointing a committee to give in an estimate of the articles wanted, together with their cost; this being done, the committee of safety were empowered to assemble the militia, when they shall judge the same necessary for the defence of the inhabitants of the province; and the committee of supplies to purchase ammunition, ordnance, stores, &c. not exceeding the value of 20,837l. lawful, or 15,627l. 15s. sterling—a glorious sum with which to oppose the power and riches of Great Britain! The committee of safety, and the committee of supplies, consist of different persons, and are intended for different purposes. The first, beside being empowered to assemble the militia, are invested with other authority for the safety of the province,

and

and are to recommend to the committee of supplies the purchasing of such articles as may be deemed necessary. The last are to assist the committee of safety, not only by purchasing supplies, but by affording them help for executing the measures, which may be thought by them requisite for the public benefit. Both are to sit and continue to do business, when there is a recess of the provincial congress, as also when none existeth. It is resolved, That all matters shall be kept private; but

Oct.
25.

in such a numerous assembly it is next to impossible to effect it. Were all equally true to the same cause, each will not have the like power of retaining a secret.

27.

The honorable *Jedediah Pribble*, the honorable *Artemas Ward*, and colonel *Pomeroy*, all of whom have seen some service in the last war, were elected general officers to have the chief command of the minute-men and militia, in case they should be called out to action.

29.

The provincial congress adjourned to November 23.

As winter approached, the governor ordered temporary barracks to be erected for the troops. But such was the dislike to their being provided for in any manner, that the select men and committees obliged the workmen of the town to quit their employment, for fear of subjecting themselves to the resentments of their countrymen. The governor had as little success in endeavouring to procure carpenters from New York; so that it has been with the greatest difficulty that he has gotten those temporary lodgments erected. He has endeavoured also to procure some winter covering from that city; but the merchants have refused complying with any part of the order, and returned for answer, "They never will supply any article for the benefit of
men,

men, who are sent as enemies to their country." The general had thoughts at one time of erecting a fort upon Beacon hill. The Boston committee obtained the plan of it, waited upon him, and informed him, that they heard he had such a design, and that if he proceeded to execute it he would get himself into difficulties. He would not own that he had any such intention, but attempted rather to make them believe the contrary; on which they produced the plan, and told him it was the same that was presented to him the night before.

On the other hand, the Massachusetts committee of safety were not inattentive to their duty. They recom-
 mended to the committee of supplies the procuring of ^{Nov.} 2, 8,
 pork, flour, rice and peas, and the depositing of the ^{14,} 20.
 same partly at Worcester and partly at Concord. They further advised the procuring of all the arms and ammunition that could be got from the neighbouring provinces; and of spades, pickaxes, bill-hooks, iron shovels and pots, mess bowls, cannon, ball, &c. &c.

Every thing now served to increase the mutual apprehension and animosity between the government and the people. Those of Boston professed to be under no small terror, from an apprehension of danger to their property, liberties and lives. The soldiers on the other hand, considered themselves in the midst of enemies. Each side made profession of the best intentions in the world for its own part, and showed the greatest suspicion of the other. In this state of doubt and profession, matters were made still worse by a measure, which seems not of sufficient importance in its consequences to justify its having been hazarded at so critical a season. This was the landing of a detachment of sailors by night from
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the ships of war in the harbour, who spiked up all the cannon upon one of the batteries belonging to the town.

In the mean time, through the disposition and promptitude of the people, the resolutions and recommendations of the provincial congress, had all the weight and efficacy of laws. At length the governor was induced
 Nov. 10. to issue a proclamation, in which they were charged with proceedings, generally understood as nearly tantamount to treason and rebellion. The inhabitants were accordingly prohibited in the king's name, from complying, in any degree, with the requisitions, recommendations, directions, or resolves of that unlawful assembly.

23. When the provincial congress met again, having Mr. Samuel Adams present with them, they pushed their preparations for hostile opposition. These exertions suited not the feelings of many in congress. Through timidity they began to sicken at heart, and upon the plea of sickness begged leave to return home, and were indulged. Mr. S. Adams penetrated the cause of their complaint; and, in order to stop the epidemical distemper, expressed his great willingness, that when members were not well, they should be allowed to return, but proposed that they should be enjoined, upon getting back, to inform the towns that they were no longer represented, that so others might be sent to supply their absence. The proposal soon cured the malady; for the disordered chose to remain in congress rather than incur the displeasure of their constituents, and be supplanted by new successors.

The provincial congress resolved upon getting in readiness twelve thousand men to act upon any emergency; and directed that a quarter of the militia should be in-

listed

isted as minute-men, who were allowed the liberty of choosing their own officers, and were to receive pay. They sent persons to New Hampshire, Rhode Island and Connecticut, to acquaint them with what was doing, and to request that they would prepare their respective quotas to make up an army of twenty thousand men when wanted. Upon this a number of gentlemen were sent from these colonies to consult and settle with a committee of about twenty, chosen by the congress for the purpose. There was a difficulty about fixing what should be the precise period for opposing general Gage's troops; at length it was determined, that they should be opposed whenever they marched out with their baggage, ammunition and artillery; for this would carry in it an apparent intention of acting hostilely in support of British measures.

A committee was appointed to correspond with the ^{Dec.} inhabitants of Canada; and it was resolved, that the ^{6.} following letter be addressed to the several ministers of the gospel within this province—

“ REV. SIR,

WE cannot but acknowledge the goodness of heaven, constantly supplying us with preachers of the gospel, whose concern has been the temporal and spiritual happiness of this people. In a day like this, when all the friends of civil and religious liberty are exerting themselves to deliver this country from its present calamities, we cannot but place great hopes in an order of men, who have ever distinguished themselves in their country's cause, and do therefore recommend to the ministers of the gospel, in the several towns and other places in this

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colony, that they assist us in avoiding that dreadful slavery with which we are now threatened."

The ministers of New England being mostly congregational, are from that circumstance, in a professional way more attached and habituated to the principles of liberty than if they had spiritual superiors to lord it over them, and were in hopes of possessing in their turn through the gift of government, the seat of power. They oppose arbitrary rule in civil concerns from the love of freedom, as well as from a desire of guarding against its introduction into religious matters. The patriots for years back have availed themselves greatly of their assistance. Two sermons have been preached annually for a length of time; the one on the general election day, the last Wednesday in May, when the new general court have been used to meet according to charter, and elect the counsellors for the ensuing year; the other some little while after, on the artillery election day, when the officers are re-elected, or new officers are chosen. On these occasions political subjects are deemed very proper; but it is expected that they be treated in a decent, serious and instructive manner. The general election preacher has been chosen alternately, by the council and the house of assembly. The sermon is styled *the election sermon* and is printed. Every representative has a copy for himself, and generally one or more for the minister or ministers of his town. As the patriots have prevailed the preachers of each sermon have been the zealous friends of liberty; and the passages most adapted to promote and spread the love of it, have been selected and circulated far and wide by means of newspapers, and read with avidity.

avidity and a degree of veneration, on account of the preacher and his election to the service of the day. Commendations both public and private, have not been wanting to help on the design. Thus by their labors in the pulpit, and by furnishing the prints with occasional essays, the ministers have forwarded and strengthened, and that not a little, the opposition to the exercise of that parliamentary claim of right to bind the colonies in all cases whatever.

The clergy of this colony are as virtuous, sensible and learned a set of men, as will probably be found in any part of the globe of equal size, and equally populous. The first settlers were early attentive to the providing of suitable persons to fill their pulpits with dignity. They saw the importance of it, and in 1636 the general court gave some hundred pounds toward a public school at Newton; but Mr. John Harvard, a worthy minister of Charlestown, dying in 1638, and bequeathing between seven and eight hundred pounds to the same use, the school took the name of Harvard college by an order of court, and the town upon the occasion changed its name for that of Cambridge. This college has been encouraged ever since, and is the first upon the continent. It is the *alma mater* to whom the youth of this colony, in particular, are sent, whether designed for the pulpit, the bar, or other callings. Here they receive the rudiments of those qualifications by which they are enabled to serve their country in a civil or sacred department. The salaries of the ministers are moderate, but in general sufficient for their support by the aid of good œconomy. They cannot approve of often bringing politics into the pulpit, yet they apprehend it

to be right upon special occasions. Who but must admit, that "it is certainly the duty of the clergy to accommodate their discourses to the times; to preach against such sins as are most prevalent, and to recommend such virtues as are most wanted. For example, if exorbitant ambition and venality are predominant, ought they not to warn their hearers against these vices? If public spirit is much wanted, should they not inculcate this great virtue? If the rights and duties of magistrates and subjects are disputed, should they not explain them, show their nature, ends, limitations and restrictions?" You may have frequently remarked, that though the partizans of arbitrary power will freely censure that preacher, who speaks boldly for the liberties of the people, they will admire as an excellent divine the parson whose discourse is wholly in the opposite strain, and teaches, that magistrates have a divine right for doing wrong, and are to be implicitly obeyed by men professing christianity, as if the religion of the blessed Jesus bound them tamely to part with their natural and social rights, and slavishly to bow their necks to any tyrant; as if Paul was faulty in standing up for his Roman privileges, that he might escape a scourging or falling a sacrifice to the malice of his countrymen when he appealed unto Cæsar.

2. The provincial congress chose colonel Thomas and colonel Heath additional generals, and soon after dissolved themselves, that they might be at home in time to keep thanksgiving with their families. It has been long a custom in the colony to have a fast day in the spring, and a thanksgiving late in the fall of the year, or in the beginning of winter, when the heads of families

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ies collect their children around them; and beside attending the religious exercises of the day, feast upon a plentiful though not a splendid table, and are innocently merry. The observation of this day they call "*a keeping thanksgiving.*" The appointment of both days belongs in an orderly way to the governor; but in these extraordinary times the provincial congress appointed the public thanksgiving, on which among other enumerated blessings, a particular acknowledgment was to be made to the Almighty for the union which so remarkably prevails in all the colonies.

The assembly of Pennsylvania met toward the close of the year, and were the first legal body of representatives, that ratified unanimously all the acts of the general congress, and appointed delegates to represent them in the new congress to be held the ensuing May. It is thought, that they were in a great measure dragged into it, from the fear of a provincial convention.

No sooner did they receive at Rhode Island, the account of the royal proclamation, prohibiting the exportation of military stores from Britain, but the people seized upon and removed from the batteries about the harbour, above forty cannon of different sizes. The assembly also passed resolutions for procuring arms and military stores, by every mean, and from every quarter in which they could be obtained, as well as for training and arming the inhabitants.

When copies of these resolutions and of the proclamation arrived at Portsmouth in New Hampshire, the people of the province were spirited up to make their first hostile movement. Though governor Wentworth's influence could not prevent their appointing deputies,

holding a convention at Exeter, and choofing delegates for the continental congress; yet he had the address to moderate their tempers, and to keep them from acts of violence. But the example of their neighbours, and the alarming situation of affairs, at length roused them to uncommon exertions. More than four hundred men collected and beset his majesty's castle at Portsmouth. Captain Cochran who commanded, ordered three four pounders to be fired on them, and then the small arms before he could be ready to fire again, the fort was stormed on all quarters, and the assailants immediately secured both him and his men, and kept them prisoner about an hour and a half, during which time they broke open the powder-house, took all the powder away, except one barrel, and having put it in boats and sent it off, released him from his confinement.

The hardy inhabitants of Marblehead, used to all the toils and dangers of a seafaring life, being out of employment have attended to military exercise for hours, three days in a week, and will soon constitute a fine regiment of soldiers. The gentlemen of the place have encouraged them by their own example, and made it profitable to them. Something similar has been practised at Salem and other towns. The militia of the colony will, therefore, acquire some knowledge of arms, before they are called to engage in actual service, should that unhappily be the issue of present measures.

The Virginia militia officers, under the command of Lord Dunmore, convened at Fort Mifflin on November the fifth, have shown what may be expected from them for though they resolved to bear the most faithful allegiance to his majesty, they declared that the love of liberty

erty and attachment to the real interests and just rights of America, outweighed every other consideration, and that they would exert every power within them for the defence of American liberty, when regularly called forth by the unanimous voice of their countrymen.

Barnstable in New England, and Ridgefield in Connecticut, have distinguished themselves in adopting different measures from the other towns in their respective colonies. But the New York representatives have given the greatest disgust. After the assembly's taking into consideration the regulations agreed upon at the grand congress respecting commerce, they rejected the same. This however was thought to be compensated for, by the late resolution of the Pennsylvania convention, ^{1775.} wherein they have declared, "That, if the petition of ^{Jan.} the continental congress should be disregarded, and the ^{23.} British administration should determine by force to effect a submission to the late arbitrary acts of the British parliament; in such a situation, we hold it our indispensable duty to resist such force, and at every hazard to defend the rights and liberties of America." The convention likewise recommended in particular the making of salt, gunpowder, salt-petre and steel. Among the many sons of liberty of which they were composed, Mr. Charles Thomson was eminent for his inflexible spirit; but Mr. Thomas Mifflin was as the very soul of the capital and province. Such are his natural and acquired accomplishments, his unwearied exertions, his zeal, his address, his sprightliness, that he enlightens and invigorates every thing around him.

The inhabitants of Maryland were no less zealous on the present critical occasion, than those of the most ac-

tive provinces. They were all in motion, forming county meetings, entering into associations, choosing committees, and recommending measures for carrying the resolutions of the continental congress into effectual execution. The convention has appointed a sum of money for the purchase of arms and ammunition. Every person, who refuses to contribute to the purchase, is deemed an enemy to his country. Many of the principal gentlemen are ambitious of appearing in arms to defend its liberties. They have taken the power of the militia out of the hands of the governor, and established it by their own authority, for the defence of the Massachusetts as well as of themselves; and thus have shown, to all the world, their approbation of New England measures. The lower counties of the Delaware have acted in like manner.

27. The New Hampshire assembly, in answer to a letter from Maryland, has gone further than ever before, in saying, "You may depend upon the ready concurrence of this house with the measures thought necessary to be pursued by the other colonies in the great cause of liberty."

But the province did not trust to the complexion of the assembly. A convention of deputies was appointed by the several towns, and held at Exeter, when the proceedings of the continental congress were unanimously approved; and members chosen to represent them at the ensuing one, two days before the assembly gave their answer.

Most of the New Yorkers accommodate themselves to the measures appointed by the general congress.

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The general committee in Charlestown South Carolina, upon receiving an account of these measures, immediately convened a provincial congress, and procured a return of representatives from every parish and district in the colony, by which mean the body consisted of more than two hundred, while the constitutional assembly amounts to no more than forty-nine. The increase of the representatives naturally served the cause of the country, by engaging a greater number of leaders in support of it. This first provincial congress met on the eleventh of January, they have unanimously approved the proceedings of the general congress, and resolved to carry them into execution. Committees of inspection and observation have also been appointed, whose business it is to see that the public resolutions are universally obeyed, that so they may not be broken, through the selfishness of individuals. This is the prevailing mode of guarding against such selfishness in every colony.

From the former success of non-importation agreements, and a belief that the trade of America is indispensably necessary to Britain, it is generally hoped and expected in the southern states, that the obnoxious acts will be repealed. They have no idea of an appeal to the sword, notwithstanding all the military parade that exists. A bloodless self-denying opposition is the whole of their real intention, and all the sacrifice that they imagine will be required. Similar sentiments prevail among great numbers in the Massachusetts; who while they are preparing for war, expect that present appearances will never terminate in it; for that Great Britain will not fight with her best customers, but will relax and accommodate,

moderate, when they find the Americans resolutely determined to use their arms rather than submit.

Persons, who discover great anxiety about the continuance of trade, are considered as selfish, preferring private interest to the good of the country; and under this thought, the intemperate zeal of the populace in some places, transports them beyond the limits of moderation, to apply singular punishments to individuals who counteract the general sense of the community.

There is however to appearance, an amazing agreement through the continent; and it may be imagined, that the inhabitants of the twelve colonies have but one heart, and but one understanding. Assemblies, conventions, congresses, towns, cities, private clubs and circles, are seemingly animated by one great, wise, active and noble spirit—one masterly soul, enlivening one vigorous body. All their acts tend to the same point, the supporting of the measures of the continental congress. But be assured, there are great numbers in every colony, who disapprove of these measures—a few comparatively, from principle and a persuasion that the same are wrong, and that they ought to submit to the mother country—some through attachment to the late governmental authority exercised among them—many from self-interest—but the bulk for fear of the mischievous consequences likely to follow. The professing friends of liberty have acted in a spirited manner, while the others have lain still. Such as have discovered a disposition to oppose popular measures have not been supported, and therefore have declined making further efforts, and absented themselves from town and other meetings. The popular cry being against them, they have

have fought personal peace and safety in remaining quiet. But could the truth be ascertained, it would probably be discovered, that in most of the town and other meetings, even in New England, far more than half the parties having a right to attend, from various causes were absent; and that there were a great many among the absentees, who were such, because they knew that matters would be carried at such meetings contrary to their own sentiments. Not only so but it may be reasonably supposed, and time may prove that several in assemblies, conventions and congresses, voted against their own opinion, to secure themselves from resentment and to promote their present interest.

An inclination has appeared in several of the governmental gentlemen now in Boston, to attempt opening the court at Worcester, and to support it by the aid of two regiments. It has been the subject of conversation. When the proposal of marching them came to be considered in council, it was laid aside. The governor was well pleased with the determination; he certainly does not wish to bring on a rupture.

Now let me conclude with giving you a picture of the Massachusetts colony, which you will be inclined to pronounce an uncommon and astonishing curiosity. Some hundred thousand people are in a state of nature, and yet as still and peaceable, at present, as ever they were when government was in full vigor. We have neither legislators, nor magistrates, nor executive officers. We have no officers, but military ones; of these we have a multitude chosen by the people, and exercising them with more authority and spirit, than ever any did who had commissions from a governor. The inhabitants
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are determined never to submit to the act destroying their charter, and are every where devoting themselves to arms. To force upon them a form of government to which they are absolutely averse, may not be within the omnipotence of a British parliament. The attempt has produced a suspension of all legal authority, and yet individuals enjoy the same security as before, even when they differ from the public sentiment, have they the prudence to moderate their tempers and observe a neutrality. By accommodating themselves so far to the times, they are safe at home and abroad.

The fortitude with which the town of Boston supports its present distresses, and the determination it discovers to endure as much as human nature can, rather than betray the American cause and endanger the liberties of posterity, will secure it the encomiums of future generations. Not a town or city in all the colonies would have been likely to have exhibited so glorious a spectacle, had it been called out to a similar trial; and all the friends of American liberty through the continent may congratulate themselves, that the storm of ministerial vengeance has fallen first upon the capital of the Massachusetts, as in consequence of it they have enjoyed the opportunity of providing against the worst that may be attempted, in order to reduce them to subjection.

L E T T E R XI.

London, March 3, 1775.

A Strange supineness prevailed, for some time after my last was closed, among the great body of the English nation; and the colony contests were little regarded. Numbers flattered themselves, that as things had formerly so often appeared at the verge of a rupture, without actually arriving at it, some means would be found for accommodating the present dispute. The opinion also was circulated, that a countenance of resolution persisted in, would certainly put an end to the contest, which (it was said) had been nourished wholly by former concessions; people in general were therefore inclined to trust the trial of perseverance and resolution, to a ministry who valued themselves upon these qualities. The times have been highly favorable to any purpose, which only required the concurrence of the parliament and the acquiescence of the public. Administration has taken advantage of these circumstances, and the late parliament has been dissolved, a twelve^{1774. Sept. 30.} month before the expected time. This may be meant as a preparatory step to the most coercive measures with America; but in a new house of commons ministry will be left at large, to choose or alter their line of conduct as incidents may vary, and if necessary, can throw all the odium of the late laws upon the former parliament.

His majesty in his speech informed the new one, that ^{Nov.} a most daring spirit of disobedience to the law still un-^{30.} happily

happily prevailed in the Massachusetts, and had broken forth in fresh violences of a criminal nature; that these proceedings had been encouraged in other colonies, and unwarrantable attempts been made to obstruct the commerce of the kingdom, by unlawful combinations; that such measures had been taken, and such orders given, as were judged most proper for carrying the laws into execution; and that they might depend upon a firm resolution to withstand every attempt to weaken the supreme authority of the legislature over all the dominions of the crown, his majesty being assured of receiving their support while acting upon these principles.

The proposed address in the house of commons, produced a considerable debate; and the minister was reminded of the mighty effects he had predicted from the late acts against America:—They were to humble that whole continent in the dust, without further trouble, and the punishment of Boston was to strike an universal panic on all the colonies; that refractory town would be totally abandoned, and instead of obtaining relief, a dread of the same fate would even prevent the appearances of pity. But the address was carried without any amendment, by a majority of more than three to one.

That from the house of lords was couched in strong terms, and was warmly debated. It was rendered memorable by a protest, thought to be the first upon an address, and which was very pointed; it concluded with the following remarkable declaration: “But whatever may be the mischievous designs, or the inconsiderate temerity, which leads others to this desperate course, we wish to be known as persons, who have disapproved of measures so injurious in their past effects and their
future

future tendency, and who are not in haste, without inquiry or information, to commit ourselves in declarations which may precipitate our country into all the calamities of a civil war.*" The address was carried by a majority of 63 to 13.

Notwithstanding the hostile tone of the speech, and the great majority that supported the addresses, there appeared an irresolution on the side of ministry; and previous to the Christmas recess, they seemed evidently to shrink from all contest upon American subjects. The national estimates were entirely formed upon a peace establishment; and the minister of the naval department publicly asserted in the house of lords, that he knew it would be fully sufficient for reducing the colonies to obedience. He spoke with the greatest contempt both of the power and courage of the Americans; and held that they were not disciplined, nor capable of discipline, and that formed of such materials, and so indisposed to action, the numbers, of which such boasts had been made, would only add to the facility of their defeat.

The establishment will indeed, be fully sufficient, if the ministry mean to employ the navy only, and to recall the military. Ships may effect that with little hazard and expence, which if once attempted by soldiers, may plunge the nation into enormous disbursements, and yet not be accomplished. A few ships of the line stationed singly near the capital ports of the colonies, and a number of frigates employed as cruisers to stop the Americans from sending any vessels to sea; and this measure continued, would at length weary out

* Lords who signed the protest—Richmond, Portland, Rockingham, Stamford, Stanhope, Torrington, Ponsonby, Wycombe, Camden.

the inhabitants of the towns and cities upon the sea-coast of the continent, and induce one or other of them to submit; and if but one link of the chain gave way, the whole would soon come to the ground; and were the sea-ports once brought to adjust the present dispute with administration, the towns in the back country might be gradually inclined to the same, whatever may be their present apprehensions. The proper application of the navy to the American contest would also exclude all foreign interference.

The congressional proceedings were received before the Christmas recess, and ministry were disposed to retract their violent measures, and to redress American grievances. To this end, application was made, under the auspices of the minister, to the body of the American merchants, desiring them to frame petitions for the redress of American grievances, and the restoration of American rights, and promising compliance with them, as it was most agreeable to the ministry to repeal the obnoxious acts, seemingly in consequence of petitions at home. While this was in agitation, letters were received from New York, assuring that the assembly would reject the proceedings of the general congress, and that there would be a separation of that colony from the rest. Fresh hopes were conceived from the prospect of a division, upon which ministry reverted to measures more adapted to their own inclination*.

But during the recess, persons began to consider the consequences which might follow the congressional proceedings, and a general alarm was spread. This produced several meetings of the North American mer-

* See the Remembrancer, Part II, p. 227, the note.

chants in London and Bristol; and petitions to parliament were prepared and agreed upon in both places. But the times were so altered from what they were formerly, that no mercantile opposition could prove efficacious by endangering the continuance of the ministry.

On the first day of the meeting after the recess, the nobleman at the head of the American affairs, laid the papers belonging to his department, before the lords, on which Lord Chatham rose, and expressed his utmost dissent and disapprobation of the whole system of American measures.

Being in possession at present of your friend Mr. Quincy's journal, wherein he gives a particular account of his lordship's speech, of the copies of several letters sent by himself to America, and of other matters, permit me to transcribe from the same, and give you the thoughts and expressions of Mr. Quincy, with the dates.

Viewed Plymouth docks. My ideas of the riches and powers of this great nation are increased to a degree I should not have believed, if it had been predicted to me. I am not in any measure reconciled to the British plan of taxing America, but I should with cheerfulness accede to a contribution from the colonies, (they being the sole judges of the time and quantity of their grants) toward the charges of the British government.

This morning J. Williams esq; informed me, that governor Hutchinson had repeatedly assured the ministry, that a union of the colonies was utterly impracticable; that the people were greatly divided among themselves in every colony; and that there could be no doubt but that all America would submit; that they must, and

would soon. Several of the nobility and ministry assured Dr. Franklin of the same facts.

19. Lord N—— repeatedly said to me, “ We must try what we can do to support the authority we have claimed over America; if we are defective in power, we must sit down contented and make the best terms we can; and nobody then can blame us after we have done our utmost but till we have tried what we can do, we can never be justified in receding; and we ought to, and shall be very careful not to judge a thing impossible, because it may be difficult; nay, we ought to try what we can effect before we can determine upon its impracticability.”

24. To ———. “ The following language hath been reiterated to me in various companies”— “ We are afraid of nothing but your division, and your want of perseverance. Unite and persevere; you must prevail—you must triumph.”

“ From parliament expect no favor, but what proceed from fear. Depend not upon commercial plans for your safety. Dr. Franklin is an American in heart and soul. His ideas are not contracted within the narrow limits of exemption from taxes, but are extended upon the broad scale of total emancipation. He is explicit and bold upon the subject.”

26. Governor P—— assured me, that all the measures against America were planned and pushed on by Bernard and Hutchinson. They were incessant in their applications to administration, and gave the most positive assurances of success.

- Dec. 6. Mr. commissioner M—— waited on me. In the course of conversation he said, “ You can have no idea

of the taxes of this kingdom, and the distress of our poor. They are extreme poor and wretched indeed—every thing here is taxed to the utmost. The colonies must relieve us: they must ease us of our taxes, &c.” He also affirmed to me, that governors Bernard and Hutchinson were principally attended to in the late measures against the colonies. But he added, that government had found many things had turned out different from Hutchinson’s representations, and had not been at all conformable to what he foretold.

To ———. “My whole time is employed in endeavouring to serve my country. I find every body eager to hear, most people willing to be set right, and almost all grossly ignorant of the American world. It is agreed on all hands, that your courage—your courage, I repeat—will be brought to the test. Should it prove answerable to your ostentations, and worthy your ancestors, your friends will amazingly increase, your hearty friends will be in raptures. Prepare, prepare I say, for the worst.”

“Many of your friends here in both houses will not take a decisive part, till they see how you act in America. For should they take a determined part now in favor of that country, and in a short time America give back, their hopes of rise into power and office (which are the hopes of all British statesmen) would be for ever at an end. Therefore till the colonists discover that union and spirit, which all parties here agree, must force success, you are not to expect any great exertions in our favor. But when once there is a conviction, that the Americans are in earnest, that they are resolved to endure all hazards with a spirit worthy the prize, then

(and not till then) will you have many firm, active, persevering and powerful friends. For, strange as it may seem, there is a great doubt here, among many, whether you are really in earnest, in the full force and extent of those words."

12. Lord ——— appeared a very warm friend to the Americans, and said, "If they continue united, they must have all they ask." He particularly mentioned that Lord M——, last session, assured the house of lords, that the plan they had laid would go down in America *sine clade*; and also, that he had the best intelligence what might be carried through there. His lordship had no doubt that such assurance was grounded on Hutchinson's information.

14. To E——. "Your countrymen must seal their cause with their blood. They must preserve a consistency of character. THEY MUST NOT DELAY. They must—not be trodden down into the vilest vassalage—the scorn—the spurn of their enemies—a by-word of infamy among all men."

16. To E——. "Permit me to congratulate my countrymen on the integrity and wisdom, with which the congress have conducted. Their policy, spirit and union have confounded their foes, and inspired their friends. All parties agree in giving them a tribute of honor and applause. My Lord N—— endeavoured to explain away his expression, "I will have America at my feet. Beware of the arts of negotiation."

"By the way, there is no doubt but the ministry sent large sums to New York in order to bribe your continental delegates. It was openly avowed and vindicated, and great boast was made of ministerial success in this way

way, with the delegates from New York. It was said, that they had effected a dis-union which would be fatal to the cause of America. You can't well imagine the chagrin with which the ministry received the result of that glorious body. They are viewed as the *northern constellation* of glorious worthies, illuminating and warming the new world."

To Joseph Reed esq; (of Philadelphia)

17.

"Sure I am that the ministry have no where such sanguine hopes of a defection as from that quarter (New York.) Their influence is no where so forcibly extended; it is certain they will be astonishingly disappointed if they do not find a sensibility to their touch. Lord C—— said in the house of lords, the other day, 'Were I an American, I would resist to the last drop of my blood.' Your parliamentary friends say, snatch the opportunity for peace and reconciliation. Your sanguine and warm partizans say, "You are united and inspired now, circumstances that may never happen again. Seize the happy and glorious opportunity for establishing the freedom and social felicity of all America. There is a tide in the affairs of men."

While (at Bath) viewing the most magnificently elegant new rooms, in company with colonel Barre, he ^{1775.} said, pointing to the pictures taken from ruins found at ^{Jan.} ^{2.} Herculaneum, "I hope you have not the books containing the draughts of those ruins with you." I replied, "There was one set I believed in the public library at our college." "Keep them there," (said he) and they may be of some service as a matter of curiosity for the speculative, but let them get abroad and you are ruined.

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They will infuse a taste for buildings and sculpture; and when a people get a taste for the fine arts, they are ruined. 'Tis taste that ruins whole kingdoms. 'Tis taste that depopulates whole nations. I could not help weeping, when I surveyed the ruins at Rome. All the remains of the Roman grandeur are of works which were finished, when Rome and the spirit of Romans were no more, unless I except the ruins of the Emilian baths. Mr. Quincy, let your countrymen beware of taste in their buildings, equipage, and dress, as a deadly poison.

Colonel Barre also added in the course of conversation, "About 14 or 15 years ago, I was through a considerable part of your country; for in the expedition against Canada, my business called me to pass by land through Pennsylvania, New Jersey, York and Albany; and when I returned again to this country, I was often speaking of America, and could not help speaking well of its climate, soil and inhabitants; for you must know, Sir, America was always a favorite with me. But will you believe it, Sir, yet I assure you it is true, more than two-thirds of this island at that time, thought the Americans were all negroes." I replied, "I did not in the least doubt it, for if I was to judge by the late acts of parliament, I should suppose that a majority of the people of Great Britain still thought so, for I found that their representatives still treated them as such." He smiled and the discourse dropped. The colonel was among those who voted for the Boston port-bill.

20. Attended the debates of the house of lords. Good fortune gave me one of the best places for taking a few minutes.

Lord

Lord Chatham rose like Marcellus. "Viros superminet omnes." He seemed to feel himself superior to those around him. His language, voice and gesture, were more pathetic than I ever saw or heard before at the bar or senate. He seemed like an old Roman senator, rising with the dignity of age, yet speaking with the fire of youth.

The illustrious sage stretched forth his hand with the decent solemnity of a Paul, and rising with his subject, he smote his breast with the energy and grace of a Demosthenes. He opened with some general observations, on the importance and magnitude of the American quarrel (as he called it.) He enlarged upon the dangerous and ruinous events, that were coming upon the nation, in consequence of the present dispute, and the measures already begun and now carrying on by his majesty's ministers. He arraigned their conduct with great severity and freedom. He then proceeded:

"My lords, these papers from America, now laid for the first time before your lordships, have been, to my knowledge, 5 or 6 weeks in the pocket of the minister. And notwithstanding the fate of this kingdom hangs upon the event of this great controversy, we are but this moment called to a consideration of this important subject. My lords, I do not want to look into one of those papers; I know their contents well enough already. I know that there is not a member in this house but is acquainted with their purport also. There ought therefore to be no delay in entering upon this matter; we ought to proceed to it immediately. We ought to seize the first moment to open the door of reconciliation. The Americans will never be in a temper

or state to be reconciled (they ought not to be) till the troops are withdrawn. The troops are a perpetual irritation to these people: they are a bar to all confidence and all cordial reconciliation. I therefore, my lords, move—That an humble address be presented to his majesty, most humbly to advise and beseech his majesty that, in order to open the way towards an happy settlement of the dangerous troubles in America, by beginning to allay ferments, and soften animosities there; and above all, for preventing, in the mean time, any sudden and fatal catastrophe at Boston, now suffering under the daily irritation of an army, before their eyes, posted in their town, it may graciously please his majesty, that immediate orders may be dispatched to general Gage, for removing his majesty's forces from the town of Boston, as soon as the rigor of the season, and other circumstances indispensable to the safety and accommodation of the said troops, may render the same practicable."

"The way, my lords, must be immediately opened for reconciliation. It will soon be too late. I know not who advised the present measures. I know not who advises to a perseverance and enforcement of them; but this I will say, that whoever advises them ought to answer for it, at his utmost peril. I know that no one will avow, that he advised, or that he was the author of these measures: every one shrinks from the charge. But somebody has advised his majesty to these measures, and if his majesty continues to hear such evil counsellors, his majesty will be undone. His majesty indeed may wear his crown; but the American jewel out of it, it will not be worth the wearing."

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“What more shall I say? I must not say, that the king is betrayed; but this I will say, the NATION is ruined. What foundation have we for our claims over America? What is our right to persist in such cruel and vindictive measures against that loyal and respectable people? They say you have no right to tax them without their consent. They say truly. Representation and taxation must go together: they are inseparable. Yet there is hardly a man in our streets, though so poor as scarce to be able to get his daily bread, but thinks he is the legislator of America. *Our* American subjects is a common phrase in the mouth of the lowest orders of our citizens; but property, my lords, is the sole and entire dominion of the owner: it excludes all the world besides the owner. None can intermeddle with it. It is a unity; a mathematical point. It is an atom; untangible by any but the proprietor. Touch it—and the owner loses his whole property. The touch contaminates the whole mass; the whole property vanishes.—The touch of another annihilates it—For whatever is a man’s own is absolutely and exclusively his own.”

“In the last parliament all was anger—all was rage. Administration did not consider what was practicable, but what was revenge. *Sine clade victoria* was the language of the ministry last sessions, but every body knew, an idiot might know, that such would not be the issue. But the ruin of the nation was a matter of no concern, if administration might be revenged. Americans were abused, misrepresented, and traduced in the most atrocious manner, in order to give a colour, and urge on to the most precipitate, unjust, cruel, and vindictive measures that ever disgraced a nation.”

Gnosius

Gnosſius hæc Rhadamanthus habet *duriffima* regna,
Caſtigatque, AUDITque dolos.

“ My lords, the very infernal ſpirits, they *chafiſe*, *caſtigatque*: ſed *auditque*, my lords. The very ſpirits of the infernal regions HEAR *before* they *puniſh*. But how have this reſpectable people behaved under all their grievances? With unexampled patience, with unparalleled wiſdom. They choſe delegates by their free ſuffrages: no *bribery*, no *corruption*, no INFLUENCE here, my lords. Their representatives meet with the ſentiments and temper, and ſpeak the ſenſe of the continent. For genuine ſagacity, for ſingular moderation, for ſolid wiſdom, manly ſpirit, ſublime ſentiments and ſimplicity of language, for every thing reſpectable and honorable, the congreſs of Philadelphia ſhine unrivalled. This wiſe people ſpeak out. They do not hold the language of ſlaves: they tell you what they mean. They do not aſk you to repeal your laws as a favor: they claim it as a right: they demand it. They tell you, they will not ſubmit to them: and I tell you the acts muſt be repealed; they will be repealed; you cannot enforce them. The miniſtry are checker-mated. They have a move to make on the board; and yet not a move but they are ruined.

“ Repeal, therefore, my lords, I ſay. But bare repeal will not ſatisfy this enlightened and ſpirited people. What! repeal a bit of paper: repeal a piece of parchment! That alone won’t do, my lords. You muſt go through. You muſt declare you have no right to tax; then they may truſt you; then they will have confidence in you. I have heard a noble lord ſpeak, who ſeemed to lay ſome blame upon general Gage. I think that

honorable

honorable gentleman has behaved with great prudence and becoming caution. He has entrenched himself and strengthened his fortifications. I don't know what he could do more. His situation puts me in mind of a similar transaction in the civil wars of France, when the great Condè on one side, and Marshall Turenne on the other, with large armies lay many weeks very near each other. Turenne, conscious of the terrible consequences of a victory to himself and country, though the armies were several days in sight of each other, never came to a battle. On his return to the court of France, the queen asked him, "Why, Marshall, I think you lay several days in sight of your enemy, and you might have been up with him at any time; pray why did you not take him?" The general very shrewdly replied, "Should I have taken him, please your majesty, I was afraid all Paris would have taken me." My lords, there are three millions of whigs. Three millions of whigs, my lords, with arms in their hands, are a very formidable body. 'Twas the whigs, my lords, that set his majesty's royal ancestors upon the throne of England. I hope, my lords, there are yet double the number of whigs in England that there are in America. I hope the whigs of both countries will join and make a common cause. Ireland is with the Americans to a man. The whigs of that country will, and those of this country ought, to think the American cause their own. They are allied to each other in sentiment and interest, united in one great principle of defence and resistance: they ought therefore, and will run to embrace and support their brethren. The cause of ship-money was the cause of all the whigs of England. *You shall not take my money without*

without my consent, is the doctrine and language of whigs. It is the doctrine and voice of whigs in America, and whigs here. It is the doctrine in support of which I do not know how many names I could—I may call in this house: among the living I cannot say how many I could, to join with me and maintain these doctrines with their blood; but among the dead I could raise an host innumerable. And, my lords, at this day, there are very many sound substantial honest whigs, who ought and who will consider the American controversy as a great common cause.”

“My lords, consistent with the preceding doctrines, and with what I have ever and shall continue to maintain, I say, I shall oppose America whenever I see her aiming at throwing off the navigation act, and other regulatory acts of trade, made *bona fide* for that purpose, and wisely framed and calculated for reciprocation of interest, and the general extended welfare and security of the whole empire. It is suggested such is their design. I see no evidence of it. But to come at a certain knowledge of their sentiments and designs on this head, it would be proper first to do them justice. Treat them as subjects, before you treat them as aliens, rebels and traitors.”

“My lords, deeply impressed with the importance of taking some healing measures at this most alarming distracted state of our affairs, though bowed down with a cruel disease, I have crawled to this house, to give you my best experience and counsel; and my advice is to beseech his majesty, &c. &c. This is the best I can think of. It will convince America, that you mean to try her cause in the spirit and by the laws of freedom
and

and fair inquiry, and not by codes of blood. How can she now trust you, with the bayonet at her breast? She has all the reason in the world now to believe you mean her death or bondage."

"Thus entered on the threshold of this business, I will knock at your gates for justice without ceasing, unless inveterate infirmities stay my hand. My lords, I pledge myself never to leave this business; I will pursue it to the end in every shape. I will never fail of my attendance on it, at every step and period of this great matter, unless nailed down to my bed by the severity of disease. My lords, there is no time to be lost; every moment is big with dangers. Nay, while I am now speaking, the decisive blow may be struck, and millions involved in the consequence. The very first drop of blood will make a wound, that will not easily be skinned over. Years, perhaps ages may not heal it. It will be *irritabile vulnus*, a wound of that rancorous malignant, corroding, festering nature, that in all probability it will mortify the whole body. Let us then, my lords, set to this business in earnest, not take it up by bits and seraps as formerly, just as exigencies pressed, without any regard to the general relations, connections and dependencies. I would not by any thing I have said, my lords, be thought to encourage America to proceed beyond the right line. I reprobate all acts of violence by her mobility, but when her inherent constitutional rights are invaded, those rights that she has an equitable claim to the full enjoyment of, by the fundamental laws of the English constitution, and ingrafted thereon by the unalterable laws of nature, then I own myself an *American*, and feeling myself such, shall, to

the verge of my life, vindicate those rights against all men, who strive to trample upon or oppose them."

From the effects of this speech on the great audience without the bar, and from my own emotions and feelings, the miracles of ancient eloquence—the *blaze of genius and the burst of thought*—with which Grecian and Roman orators have been said to work wonders in the senate and the field, no longer appeared fabulous.

Lord Camden spoke next on the side of America and in support of the motion. He equalled lord Chatham in every thing, but that fire and pathos which are the *forte* of his lordship. In learning, perspicuity and pure eloquence, probably no one ever surpassed Lord Camden.

His lordship opened briefly upon the nature of property, the right of taxation, and its inseparability from representation. "My lords (he said) I will not enter into the large field of collateral reasoning applicable to the abstruse distinctions touching the omnipotence of parliament. The declaratory law sealed my mouth. But this I will say, not only as a statesman, politician and philosopher, but as a COMMON LAWYER, my lords; you have no right to tax America. I have searched the matter. I repeat it, my lords, you have no right to tax America. The natural rights of man and the immutable laws of nature are all with that people. Much stress is laid on the supreme legislative authority of Great Britain, and so far as the doctrine is directed to its proper object I accede to it. But it is equally true, according to all approved writers on government, that no man, agreeable to the principles of natural or civil liberty, can be divested of any part of his property without his consent. Every thing has been staked on this single position, that acts of parliament

ment must be obeyed: but this general, unconditional, unlimited assertion, I am far from thinking applicable to every possible case, that may arise in the turn of times. For my part, I imagine, that a power, resulting from a trust, arbitrarily exercised, may be lawfully resisted; whether the power is lodged in a collective body, or single person, in the few or the many. However modified makes no difference. Whenever the trust is wrested to the injury of the people, whenever oppression begins, all is unlawful and unjust, and resistance of course becomes lawful and right. But some lords tell us seriously, that administration must reduce the Americans to obedience and submission, that is, you must make them absolute and infamous slaves, and *then*—what? We will, say they, give them full liberty. Ah! is this the nature of man? No, my lords, I would not trust myself, *American* as I am, in this situation. I do not think I should, in that case, be myself for giving of them liberty. No, if they submitted to such unjust, such cruel, such degrading slavery, I should think they were made for slaves; that servility was suited to their nature and genius. I should think they would best serve this country as their slaves; that their servility would be for the benefit of Great Britain; and I should be for keeping such *Cappadocians* in a state of servitude, such as was suited to their constitution, and might redound much to our advantage.”

“My lords, some noble lords talk very much of resistance to acts of parliament. King, lords and commons are fine sounding names. But, my lords, acts of parliament have been resisted in all ages. King, lords and commons may become tyrants as well as others.

Tyranny

Tyranny in one or more is the same. It is as lawful to resist the tyranny of many as of one. Somebody once asked the great Mr. *Selden*, in what law book, in what records or archives of the state you might find the law for resisting tyranny. "I don't know, (said Mr. *Selden*) whether it is worth your while to look deeply into the books upon this matter; but I'll tell you what is most certain, that it has always been the custom of England—and the custom of England is the law of the land."

"There is a gentleman, whom I need not name, his works are well received and well known, who avoids stating any rule, when resistance is lawful; and he lays down the revolution as the only precedent. He says, that the various circumstances, events and incidents, that may justify cannot be defined; but the people at large will judge of their welfare and happiness, and act accordingly. The same writer says, that whenever a case exactly similar in all its parts and circumstances to the revolution, when a case shall run upon *all fours* with that, then the law seems to be settled, that resistance is lawful. I do not pretend to quote his words. I think his meaning is very much as I have stated it. But undoubtedly in cases, in many respects dissimilar, but in equal degree tyrannical and oppressive, resistance may be lawful, and the people in all ages, countries and climes have at times known these things; and they have and will for ever act accordingly."

Lord Shelburne in the course of his argument said, "My lords, we know, we all know, that justice and injustice, right and wrong are not at all considered in the course of our parliamentary proceedings. We all know that nothing is debated in parliament for information or conviction,

viction, but for mere form. Every thing is considered in the cabinet and brought into parliament, not for consideration, but for the sanction of the legislature, and the screening the counsellors of the king. The measures of parliament are the measures of the minister; and the measures of this minister are very often those of his commissioner." The Marquis of Rockingham also supported the motion.

Lords Littleton, Suffolk, Gower, Townsend, Rochford and Weymouth spoke in opposition. I omit relating what their lordships said, lest I should be suspected by any who may see this journal, of an unfair report of their speeches. But a very remarkable saying of Lord G—— I cannot omit. His lordship said, "I am for enforcing these measures (and with great sneer and contempt) let the Americans sit talking about their natural and divine rights, their rights as men and citizens, their rights from God and nature."

The house, at about ten, divided after the preceding debates, on the question contents 18, non-contents 77, including proxies.

Thus far from Mr. Quincy's papers.

The language of the lords in administration was high and decisive. And it was declared, that the mother country should never relax till America confessed her premacy, and it was acknowledged to be the ministerial resolution, to enforce obedience by arms.

The principal trading and manufacturing towns in the kingdom, having waited to regulate their conduct as to American affairs, by that of the merchants of London and Bristol, followed the example of these two great

commercial bodies, and prepared petitions upon the subject to be presented to parliament.

Jan.
23.

The petition from the merchants of London was of course the first delivered, and it was moved to be referred to the committee, appointed to take into consideration the American papers; but it was moved by way of amendment, on the ministerial side, that it should be referred to a separate committee to meet on the 27th the day succeeding that appointed for the consideration of American papers. This was objected to as a shameful pitiful evasion; but upon the question's being put the amendment was carried, 197 against 81, who supported the original motion.

A similar fate attended the petitions from Bristol, Glasgow, Norwich, Liverpool, Manchester, Birmingham, Wolverhampton, Dudley, and some other places all of which, in turn, were consigned to what the opposition termed the committee of oblivion.

26.

On the day appointed for the consideration of American affairs, a second and very strong petition was presented from the merchants of London. On which was moved, that the order for referring the merchant petition to a separate committee should be discharged and that it should be referred to a committee of the whole house, appointed to consider the American affairs. The indignity and mockery offered to so great a body as the merchants of London by the late resolution, which with an insidious affectation of civility, received the petition with one hand, and threw it out of the window with the other, was painted in strong colours. All the debate on the subject of the petitions, were attended with an unusual degree of asperity, and even acrimony on the

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side of opposition. The conduct also of the late parliament was scrutinized without mercy, and its memory treated with more than want of respect. A gentleman, remarkable for a sarcastic poignancy in his observations, in sketching a short history of that parliament, said, that they began their political life with a violation of the sacred right of election in the case of Middlesex; that they had died in the act of popery, when they established the Roman catholic religion in Canada; and that they had left a rebellion in America, as a legacy. The question was rejected upon a division by a very great majority.

Though it was then late, a petition was offered from Mr. Bolland, Dr. Franklin, and Mr. Lee, stating that they were authorized by the American continental congress, to present a petition from the congress to the king, which petition his majesty had referred to that house, and that they were enabled to throw great light upon the subject: they prayed to be heard at the bar, in support of the said petition. A violent debate ensued. The ministry alleged, that the congress was no legal body, and none could be heard in reference to its proceedings, without giving that illegal body some degree of countenance. It was answered, that the congress, however illegal as to other purposes, was sufficiently legal for presenting a petition. It was signed by the names of all the persons who composed it, and might be received as from individuals. It was said, That it was their business rather to find every plausible reason for receiving petitions, than to invent pretences for rejecting them; that the rejection of petitions was one principal, not the most powerful cause of the present troubles:

and that this mode of constantly rejecting their petitions and refusing to hear their agents, would infallibly end in universal rebellion, and not unnaturally, as those seem to give up the rights of government, who refuse to hear the complaints of the subject. The ministry insulted the petition as containing nothing but pretended grievances, while they refused to hear and discuss it. It was rejected by 218 to 68. This rejection must have been foreseen by all who knew, that on the fourth of the month, Lord Dartmouth, by the king's orders, had written a circular letter to the governors of his majesty's colonies, requiring them to use their utmost endeavours to prevent the holding of any more congresses and that the American grievances were, in that letter termed *pretended*. This letter was written a few days after the petition had met with an apparent gracious reception, and had been promised a due consideration but probably not before favorable advices had been received respecting the New York assembly.

It was evident, that both houses of parliament were ready to adopt any measures which administration should propose; and it was confidently believed and asserted that when the merchants and manufacturers were deprived of all hopes of preventing the operation of force it would then become their interest to give all possible effect to it. They would thus become by degrees, the principal support of that cause, which they now so eagerly opposed.

The opinion of the efficacy of a forcible mode of proceeding in America, and the hopes of compelling a great body at home to concurrence, have made the ministers more and more resolved to go through, and complete the

the plan with which they have begun. It may however be much doubted, whether they suspect that the American contest will end in blood. Some of them in all probability have such a firm reliance upon Mr. Hutchinson's judgment, as to flatter themselves that the colonists will give way to those appearances of coercion, which they have adopted and mean further to adopt; and so have engaged in the present hazardous politics, in hopes of enjoying a bloodless conquest, and therein a complete triumph over all opposition.

Lord Chatham persevered in the prosecution of his ^{Feb.} conciliatory scheme with America, and accordingly brought into the house of lords the outlines of a bill, which he hoped would answer that salutary purpose, under the title of "A provisional act for settling the troubles in America, and for asserting the supreme legislative authority, and superintending power of Great Britain over the colonies."

This bill caused a variety of discussion within and without doors. The ministry observed, that it was a proposition of reconciliation by concession, which was a cause sufficient to induce them to reject it; their plan being, at present, to show a firm resolution not to give way in any instance, while the opposition in America continued. It was unusual in parliament to reject, on the first proposition, any bill for an object allowed to be necessary; and promising, however faintly or rudely, any plan for obtaining the end proposed. But the proceeding on this occasion was different. They condemned without reserve the bill in the whole, and in all its parts; and it was moved, and strongly supported by all the lords on the side of administration, that the bill be

rejected in the first instance. The noble framer defended himself and his bill from the numerous attacks which were made on both, with great spirit and vigor. The indignity offered him, seemed to renew all the fire of youth; and he retorted the sarcasms, which were levelled at him from different quarters, with a most pointed severity. The nature of the subjects debated, and the state of temper on both sides, produced much warmth, severe altercation, and even personal animadversion. The bill was rejected by a majority of 61 to 32, not being allowed to lie upon the table. The rejection of it may be of no disservice to the colonists. It contained in it, a proposal to require of congress the making of a free grant to the king, of a certain perpetual revenue subject to the disposition of the British parliament; and congress was to adjust the proportions of the several charges to be borne by each province, toward the general contributory supply. Had it passed into an act, the colonists might not have united in the proposal, but dangerous divisions have followed, so that you may have no occasion to regret its fate, especially as that will strengthen your union, and increase your friends.

A petition was presented to the commons, from the planters of the sugar colonies residing in Great Britain, and the merchants of London trading to those colonies, setting forth the distress to which the West India islands will be reduced, unless the former harmony between this kingdom and the American colonies is restored. Like all the former upon the subject, it was referred to the established petition committee. The day it was presented, the minister opened his designs in respect to America. Having prepared the way by a speech, he moved

moved for an address to the king, and for a conference with the lords, that it might be the joint address of both houses. The address returns thanks for the communication of the American papers; and declares, that they find from them, that a *rebellion* actually exists within the province of the Massachusetts-bay; that the parties concerned in it have been countenanced and encouraged by unlawful combinations and engagements entered into, in several of the other colonies; that they never can relinquish any part of the sovereign authority over all the dominions, which by law is vested in his majesty and the two houses of parliament; that they ever have been, and always shall be, ready to pay attention and regard to any real grievances of any of his majesty's subjects, which shall in a dutiful and constitutional manner be laid before them; but at the same time they beseech his majesty to take the most effectual measures to enforce due obedience to the authority of the supreme legislature; and in the most solemn manner assure him, that at the hazard of their lives and properties, they will stand by him against all rebellious attempts, in the maintenance of the just rights of his majesty and the two houses of parliament.

Lord North then gave a sketch of the measures he intended to pursue, which were to send a greater force to America, and to bring in a temporary act to put a stop to all the foreign trade of the different colonies of New England, particularly their fishery on the banks of Newfoundland, till they returned to their duty.

The address was so loaded with consequences, the extent of which could not be defined, that it called up all the powers of opposition; and even some few of the

most moderate in the house seemed to feel a kind of horror, at entering upon a measure so dangerous in the tendency, and inexplicable in the event.

A gentleman, of the first eminence in the law, followed the minister through the whole detail of his speech, and answered the different positions. He insisted, that having examined with legal precision the definitions of treason, the Americans were not in rebellion, and said, "Whatever the disorders may be, they are created by the conduct of those, whose views are to establish despotism, and which are manifestly directed to reduce America to the most abject state of servility, as a prelude to the realizing the same wicked system in the mother country." He concluded by maintaining, that an opposition to arbitrary measures is warranted by the constitution, and established by precedent.

The other gentlemen of the minority entered but little into the juridical part of the debate; but maintained, that it would be imprudent for parliament at this time to *declare* the disturbances rebellious. They said, "It is well known no act of violence has been committed in the Massachusetts-bay, which has not been equalled by something similar in every other province, and sometimes even exceeded by acts of a more heinous nature; that therefore the only effect of this violent, but partial declaration of rebellion, will be to delude ourselves into preparations of hostility, as if against one province only, when in truth we have to contend with twelve."

On the other side, the crown lawyers and ministerial debaters maintained, that such Americans as come within certain descriptions, and have been guilty of certain acts, and still persevere in the support and commission of such
acts,

acts, are in a state of actual rebellion; that the punishment of a few of the worst sort of traitors, such as Hancock and his crew, may be sufficient to teach the rest their duty in future; and that the boasted union of the colonies will dissolve the moment parliament shows itself resolved on vigorous and severe measures. Some gentlemen of rank in the army, treated all idea of resistance by the Americans with the utmost contempt. They said, "They are neither soldiers, nor ever can be made so, being naturally of a pusillanimous disposition, and utterly incapable of any sort of order or discipline; and by their laziness, uncleanness, and radical defect of constitution, they are disabled from going through the service of a campaign, but will melt away with sickness, before they can face an enemy; so that a slight force will be more than sufficient for their complete reduction." Many ludicrous stories to that purport were told, greatly to the entertainment of the house. A motion however was made for an amendment, which upon a division was rejected by a large majority, 304 against 105. The question being then put for the address, was carried by nearly the same majority.

But the minority had not done with the business. Upon receiving the report from the committee a few Feb. days after, a noble lord made a motion to recommit the⁵ address; and supported it with many arguments. He stated our domestic situation, and inferred the impropriety and danger of a declaration from that house of the existence of a rebellion in any part of our dominions; and showed the desperate measures into which it might precipitate the Americans, and the advantage that might be taken of such an occasion by our powerful and watchful

ful neighbours, whose ancient enmity and jealousy were much increased by the glory we had acquired, and the disgrace and loss they had suffered in the last war. He said, " My head and my heart join in deprecating the horrors of a civil war, which will be rendered still more dreadful, by its involving in it certain consequences, a foreign one with the combined forces of great and powerful nations."

This motion introduced the longest and most interesting debate that had taken place in the new parliament. It was acknowledged on all hands, that the present crisis was the most perilous and intricate, in which the nation had been involved since the revolution. It was contended by those who opposed the motion, that the Americans were not to be won by kindness or retained by benefits; and that the tenderness, which had been constantly practised by government, had produced the present fatal consequences. The danger from foreign powers supporting the Americans, was said to be imaginary: and it was still contended by several, that an appearance of vigorous measures, with some reinforcement of the troops at Boston, would prove sufficient to quell the disturbances in America, without the drawing of blood.

On the other side, the address was stigmatized as cruel, sanguinary, and unjust. It was urged, " The Americans have given the strongest and most unequivocal demonstrations of their filial piety toward the mother country. They have fought and bled by our side. In the present state of distraction, they require no more for the restoration of harmony, than to be placed in the same situation they were in at the close of the last war. They have been nursed up, for a long series of years,

years, in ideas of certain rights, of which, the electing of their own representatives, and the disposal of their own money for the public service only through them, are among the principal. If this is an error, the crown and parliament are equally faulty with the Americans, having in their whole conduct constantly nourished the delusion. At the time of the repeal of the stamp-act, two of the first names of this kingdom, for ability as well as legal knowledge, beside many others, utterly denied the right of taxation. Is it then to be wondered at, that the Americans, with such authorities on their side, are tenacious of a right so invaluable in its nature, which has at all times been considered as the distinction between freemen and slaves, which has been confirmed by so long a prescription, and upon which, to this instant, the wisest and honestest men, even in the mother country, are divided in opinion? Philip the Second, and his seventeen provinces, are the counterpart of what we are acting. In comparing the probability of events, can any man say, Great Britain has such a prospect of victory in the event as Spain might then have expected? If we imagine, that the powers of Europe will sit still during this contest, we must suppose a system of policy now to prevail, or rather an extension of folly, all over Europe, which never before was known in any period of its existence."

Much ill temper appeared in every part of the house in the course of these debates. The ministry were charged with acting uniformly and systematically upon tory and arbitrary principles, which had thrown the whole empire into a state of confusion and distraction. "In a word," it was said, "the short and simple question

tion before the house, is, whether we shall lose the colonies, or give up our ministry."

The ministry, on the other hand, talked much about faction at home, and republican principles; and the Americans being spirited up to their rebellion by incendiary writers and speakers in England. After a debate, which continued till half an hour after two in the morning, the motion for the recommitment of the address was rejected by nearly the former majority.

When it was moved in the house of lords, to fill up the blank, left open in the address, by the insertion of the words, "The lords spiritual and temporal, &c." to render the instrument the joint act of both houses, a debate ensued. The questions of treason, rebellion, and constructive treasons, were deeply entered into by two great law lords, who differed totally in their legal and political sentiments, and carried on a long argument between them, with great warmth and ability; in which a large stock of professional and general learning was displayed on each side. It is to be lamented, that with all the boasted excellency of our constitution, a question of so vast magnitude as to include in its consequences, the lives, fortunes, and honors of all the subjects of this empire, still remains involved in such obscurity, as not only to admit of a difference of opinion, but that even the great oracles of the law are bewildered in its darkness. This extraordinary debate was attended with some singular circumstances. Lord Mansfield, to the great surprise of most of his auditors, condemned, in very explicit and unreserved terms, the measure of laying on the duties in 1767, which he declared to be the most absurd and pernicious that could be advised, and the
cause

cause of all the present impending evils. The duke of Grafton, Lord Shelburne, and Lord Camden, who were at that time cabinet counsellors, and held the first offices in the state, declared separately in their places, that they had no share in that measure, nor had ever given it any approbation. The manner in which a measure of ministry was carried against the opinion of ministers was not explained. A disclosure relative to a matter, which had already convulsed the whole empire, and was still more to be dreaded in its future consequences, excited general amazement, mixt with indignation and regret in individuals. The fatal and overruling secret influence, which had so long guided and marred all public affairs, was deplored and animadverted upon in different parts of the house.

When the question came to be put, whether to agree with the commons in the address, by inserting the words necessary to fill up the blank, it was carried by a prodigious majority. But the lords Richmond, Craven, Archer, Abergavenny, Rockingham, Wycombe, Courtenay, Torrington, Ponsonby, Cholmondeley, Abingdon, Portland, Camden, Effingham, Stanhope, Scarborough, Fitzwilliam, and Tankerville, protested against "an address amounting to a *declaration of war*, which is founded on no proper parliamentary information, which follows the rejection of every mode of conciliation, which holds out no substantial offer of redress of grievances, and which promises support to those ministers, who have inflamed America, and grossly mis-conducted the affairs of Great Britain."

The address was delivered, and an answer given, Feb. wherein his majesty assured both houses, that they might⁹ depend

depend upon his taking the most speedy and effectual measures for enforcing due obedience to the laws, and the authority of the supreme legislature.

On that or the preceding day, the petition and memorial from the assembly of *Jamaica* to his majesty, was laid before the commons. It was drawn up in very strong terms. The petitioners entered into a full, free, and argumentative discussion of the late claims of the mother country, and of the rights of the colonies: the former of which they combated, and the latter defended with great force. They equally deplored and beheld with amazement, a plan almost carried into execution for reducing the colonies into the most abject state of slavery; and they supplicated the throne, and demanded and claimed from the sovereign, as the guarantee of their just rights, that no laws should be forced upon them, injurious to their rights as colonists or Englishmen; and that, as the common parent of his people, his majesty would become a mediator between his European and American subjects.

10. The next day the minister moved for leave to bring in a bill to restrain the trade and commerce of the New England provinces, to Great Britain, Ireland, and the British West India islands, and to prohibit them from carrying on any fishery on the banks of Newfoundland, and other places therein to be mentioned, under certain conditions, and for a limited time. In answer to the objections made to it while the subject of debate, the charges of injustice and cruelty were denied, and the contrary maintained; it was declared to be necessary; and it was observed, that though the innocent were involved with the guilty, and friends with foes, the necessity

cessity might be lamented, but could not be helped. The motion for a bill was carried by a majority of three to one.

In the progress of the bill, the London merchants and traders, interested in the American commerce, petitioned against it, and were allowed to be heard. In consequence of this a long train of witnesses were examined, and it appeared, That in 1764, the four New England colonies employed in their several fisheries, no less than 45,880 ton of shipping, and 6002 men, and that the produce of their fisheries in the foreign markets for that year, amounted to 322,220l. 16s. sterling:— That the fisheries were greatly increased; that all the materials used in them, except salt, and the timber of which their vessels were built, were taken from this country, and that the nett proceeds of the fish were remitted here; and that there was near a million of money owing from New England to the city of London only. They stated to the house, that the calamities consequent upon the bill must fall in a particular degree upon the innocent. The case of the inhabitants of Nantucket would be particularly hard. They amounted to some thousands, nine-tenths of them Quakers, inhabiting a barren land: but by an astonishing industry they kept 140 vessels in constant employ, eight in the importation of provisions for the island, and the rest in the whale fishery.

While the bill was pending, Lord North amazed all parties, and seemed for a time nearly to dissolve his own, by a *conciliatory motion* in regard to America. It proposed, “ That when the governor, council, and assembly, or general court of his majesty’s provinces or colonies,

colonies, shall propose to make provision, according to their respective conditions, circumstances, and situations, for contributing their proportion to the common defence (such proportion to be raised under the authorities of the general court, or general assembly, of such province or colony, and disposable by parliament) and shall engage to make provision also, for the support of the civil government, and the administration of justice in such province or colony, it will be proper, if such proposal should be approved by his majesty in parliament, and for so long as such provision shall be made accordingly, to forbear, in respect of such province or colony, to levy any duties, tax, or assessment; or to impose any further duty, tax, or assessment, except only such duties as it may be expedient to impose for the regulation of the commerce, the nett produce of the duties last mentioned to be carried to the account of such province, colony, or plantation, respectively." The numerous high prerogative party, who had ever opposed any relaxation in favor of the colonies, heard the proposition with horror, and considered themselves as abandoned or betrayed. They pronounced it a shameful prevarication, and a mean departure from principle; and finally concluded with declaring, that they would make no concessions to rebels with arms in their hands; and that they would enter into no measure for a settlement with the Americans, in which an express and definitive acknowledgment from them of the supremacy of parliament was not a preliminary article. A gentleman of the long robe, and who has lately distinguished himself for his zeal in promoting all the measures for reducing the colonies (Mr. W——) had the address in a few minutes

minutes to hush the commotion, by convincing the malcontents, that the *appearance* of concession, lenity, and tenderness, which had so much alarmed them, were of such a nature, that they could not interfere with the most rigid measures which they wished to enforce. The gentlemen in opposition said, "The motion is insidious, base and treacherous, in the highest degree." The minister acknowledged it to be a cheat, and designed for the purpose of dis-uniting the Americans; but it will tend only to consolidate that common mass of union into which they have been thrown by the Boston port act. The question was carried by a majority of three to one.

A petition from the merchants, traders, and principal Feb. inhabitants of Poole, in Dorsetshire, was presented, in ²⁷ avowed opposition to that from London, and in support of the principles of the fishery-bill. This petition set forth, that the restraints upon the colonies would not by any means be injurious to commerce; and that the foreign markets might be amply supplied, by extending the Newfoundland fishery from England. They concluded by soliciting, no less for their own immediate advantage than for the universal benefit of their country, such encouragement as parliament should think proper.

A petition was also delivered from the Quakers in behalf of their brethren and others, the inhabitants of Nantucket, in which they stated their innocence and industry, the utility of their labors to themselves and the community, the hazards attending their occupation, and the uncertainty of their gains; and showed, that if the bill passed into a law, they must shortly be exposed to all the miseries of a famine.

In every stage of the bill, the debate rekindled; and, in the course of it, the minority observed, "When it was thought wisdom to overthrow established privileges, and to combat national prejudices, by starting the new claim of taxation, the Americans went no further than to deny our right of internal taxation. Having gained the point of urging them to question one right, we soon convinced them, both by argument and practice, that an external tax might be made to answer all the purposes, and to produce all the mischiefs of internal taxation. They then denied our right of taxing for supply. Parliament then proceeded to deprive them of their charter, and to change the course of justice and trials. Then they were pushed to deny the power of internal legislation. But still they had hitherto never formally rejected the power of parliament to bind their trade. We are now to convince them, however, that if but a single branch of legislative power is left to this country, we can distort that branch in such a manner, that it shall include all the purposes of unlimited tyranny." It appeared upon evidence at the bar of the house, that by the operation of the bill, many thousands of innocent inhabitants would be reduced to the sad alternative, either of perishing through want at home, or of removing to some other less rigorous government for protection and support; so that a famine among the New Englanders was predicted as the consequence of the bill.

Some gentlemen on the other side of the question, acknowledged the harshness of the measure; but lamented its being indispensably necessary. A much greater number contended, that the bill was in an high degree merciful,

merciful, and that the New England colonies did not want resources to prevent a famine. A few went so far as to regret, that the bill did not convey punishments adequate to the crimes of the Americans, and to dread, that the famine which had been strongly prognosticated, and pathetically lamented, would not take place.

Mr. Quincy sails to-morrow for the *Massachusetts*. He is very far from being well; and has been attended upon repeatedly by Dr. Fothergill. The doctor thinks the Bristol air and water would give him perfect health; and it is greatly against his own opinion and inclination that he takes the voyage. But he risks his life for the good of his own colony in particular, and of America in general. His most intimate friends insist upon his going directly to Boston. They say no letter can go with safety; and that he can deliver more information and advice *viva voce*, than can or ought to be written. They urge that by going now, if he arrives safe, he must be of great advantage to the American cause.

He is to tell the people of your colony, by no means to take any step of great consequence (unless on a sudden emergency) without the advice of the continental congress; and is to repair to that honorable body, when met at Philadelphia.

You will hear from him, how egregiously the Americans have been insulted by several in both houses of parliament, in being pronounced dastardly cowards and poltroons, *to be looked into submission* at the approach of a regiment; and that if this is your true character, there will be no great exploit in the brave general Grant's marching successfully, with only five regiments, from one end of the continent to the other, of which he has

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declared himself capable. It is said, that an American durst not look at a red coat. The senator holds this language in the senate; and the general at the head of an army. It passes for a maxim, and it is thought scepticism to doubt it. Every subaltern upon half pay looks upon himself as qualified for subduing America. If a man says otherwise, the finger is pointed at him as to an enemy of his country. Mr. Quincy will be likely also to give you the name of the member, who in a late speech adulterated the English tongue, that he might gratify his inveteracy, by punishing you with *starvation*.

By a future opportunity you will receive an account of the progress of the restraining and fishery bill through the house of lords; of the further proceedings of parliament and ministry; and of the national complexion.

L E T T E R XII.

Roxbury, April 26, 1775.

WHILE the Massachusetts had no provincial congress, the active friends of government had an opportunity to try their strength in a few places, and to attempt resisting the general current, by refusing a compliance with the resolutions of the colony congress; but the dissentients were overwhelmed by numbers, and their attempts proved abortive.

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The royal proclamation prohibiting the exportation of military stores from Britain, his majesty's speech, and the addresses of the new parliament, in the opinion of many, cut off all hopes of reconciliation, more especially in New England.

The new Massachusetts congress met at Cambridge, Feb. and Mr. Hancock was unanimously chosen president.¹ They adjourned to Concord in about a fortnight, that the distance might afford them greater personal security, and render them less liable to interruption by any measures of the governor. That the colony might be somewhat prepared for the forest trial, they urged in the strongest terms, the militia in general, and the minute men in particular, to spare neither time, pains nor expence, at so critical a juncture, for perfecting themselves forthwith in the military discipline. They passed resolutions for the providing and making of fire arms and bayonets, and renewed the prohibition of their predecessors, against supplying the troops at Boston, with any of those necessaries peculiarly requisite for the military service. The committee of safety had directed in the beginning of January, that all the cannon, mortars, cannon balls and shells, should be deposited at Worcester and Concord in the same proportion as was done by the provision; and while the congress was sitting, voted, "that the committee of supplies do purchase all the powder they can, and also all kinds of warlike stores,¹³ sufficient for an army of fifteen thousand men to take²¹ the field."

The propriety of the precautions taken to guard against a surprise was manifest from the following event.

26. General Gage receiving intelligence that cannon and carriages were deposited in the neighbourhood of Salem, sent a corps of troops from the castle, under lieutenant colonel Leslie, on board a transport, to seize and bring them away. They landed at Marblehead, proceeded to Salem, found nothing there, and passed on to the draw-bridge leading to Danvers, where a number of people assembled, and those of the opposite side took up the bridge to prevent their crossing. The officer ordered it to be let down; the people peremptorily refused, saying, "It is a private road, and you have no authority to demand a passage this way." On this refusal he determined to make use of the boats which were at hand; his intention was perceived, and the owners jumped into their own boats, and with their axes scuttled them, to make them useless for the present; during the transaction there was some scuffle between them and the soldiers. Things were apparently tending to an extremity. The reverend Mr. Bernard, a congregational clergyman of Salem, and other gentlemen, urged the letting down of the draw-bridge; but it was not done, till much time had been spent in altercation, during which period the articles, that colonel Leslie was after, were conveyed away. When the opportunity of crossing offered, he marched about thirty rods, to the spot where the artificers had been employed in making carriages, &c. but finding nothing, and it being now late in the evening, returned and went on board the transport without meeting with any molestation. This expedition took place on the Lord's day, which might contribute to its ending happily without mischief. On any other day, when the people were not attending public
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lic worship, but dispersed about and following their secular business, the landing of the troops would have been discovered, and some quarrel might have ensued while they were making it good, or afterward upon their march. The governor probably pitched upon the Lord's day, in hope that it would prevent every painful catastrophe; but the expedition spread an alarm.

The Massachusetts congress were displeased with the proceedings of the New York general assembly; who renounced all concern with the late continental congress, declined choosing delegates for the proposed new one, and in their own single capacity, sent a petition to the king, a memorial to the lords, and a remonstrance to the house of commons. In the remonstrance they represented the grievances, under which they labored, by the innovations that had been made in the constitutional mode of government, since the close of the last war. They renounced the most distant desire of independence, acknowledged the supreme government of the British parliament over the whole empire, and their authority to regulate the trade of the colonies: remonstrated in the behalf of their brethren in the Massachusetts, for whose distresses they could not help feeling; but at the same time expressed their disapprobation of the violent measures pursued in some of the colonies. They claimed a restoration of those rights which they enjoyed before the close of the war; but without entertaining an idea of diminishing the power of the mother country, or lessening the dignity of parliament. Should the ministry embrace the opening thus given by the general assembly of New York, they may possibly separate this central province from the others, and break the com-

munication between the northern and the southern. But the apprehension of such an event is abated by the intelligence, which the Massachusetts congress have received from the city of New York. The whig citizens, whose hearts were set upon having delegates for the new continental congress, upon the assembly's declining to appoint them, contrived to collect their fellow citizens together in order to obtain their opinion. When assembled in a body, there was a confused cry of "Congress or no congress?"

Mar. 5. After much altercation, the tories had a recourse to compulsive reasoning, and began dealing about their blows. The whigs were in the worst situation, not being provided with similar arguments, till two of their party repaired to an adjoining cooper's yard, from whence they drew forth to the assistance of their friends a number of hoop-sticks, which they reduced to a proper length, and forwarded to the combatants. The whigs, being thus supplied, soon carried the day by club law, and beat their opponents off the ground. The tories, being worsted, and not a little terrified, lest the fury of captain (whom they term in a way of reproach king) Sears should lead him to head a mob, and do them some capital injury, promoted a provincial convention, which otherwise would not have existed. The battle royal at New York will prove the turning point as to that colony.

16. The Massachusetts congress continued their session, and recommended the sixteenth of March to be observed as the annual day for fasting and prayer, which was kept accordingly, by the inhabitants of Boston, no less than of the country. But they did not presume to rely upon religious exercises in the neglect of those civil means which

which prudence prescribed. The people, both within and without, used every device for conveying safely from Boston into the country, all kinds of military articles, which might be wanted in case of a rupture. Cannon, balls, and such like heavy stores, were put into carts and carried out over the neck, under the appearance of loads of dung. Half barrels of gunpowder were put into butchers peds, or the hampers of the market people, and brought out under some slight negligent and unsuspected cover, as they returned home in the evening. Cartridges were packed up in candle-boxes, and sent off under that deception; but some were at length discovered. The soldiers on the neck did not make many prizes, however one day they seized 13,425 musket cartridges, with 3000lb. weight of ball, which, though private property, the general was warranted in refusing to restore, on the application of the owner.

That general Gage might not succeed in seizing any military stores in the country, should he send out troops upon that errand, the committee of safety had voted four days before, "that members from this committee, belonging to Charlestown, Cambridge and Roxbury, be desired to procure at least two men, for a watch every night to be placed in each of these towns, and that said members be in readiness to send couriers forward to the towns where the magazines are placed, when fallies are made from the army at night."

The selectmen of the town of Billerica presented a most spirited remonstrance to general Gage, on account of an inhabitant of that town's being tarred and feathered, and much abused on the 8th of the month, by a party of his majesty's 47th regiment, under the command

mand of lieutenant colonel Nesbit. The firmness, resolution and freedom, with which the people both of town and country have conducted, when their business called them to an intercourse with the governor, have often embarrassed and convinced him, that they were not wholly destitute of sterling courage. There might be some ground for punishing the person, whose case produced the remonstrance; but the punishment should have been under the direction of a civil and not a military officer, and of another kind; for, though it may be deemed a retaliation upon the country, it has tended greatly to irritate.

The Massachusetts congress were solicitous to keep their proceedings from coming to the knowledge of general Gage; but from several circumstances which occurred, they entertained a strong suspicion, that they had some one among them, who betrayed their counsels. A gentleman, who is not a stranger to many considerable defects in the moral and political character of Dr. Church, is apprehensive that he is the person; but is exceedingly cautious of mentioning his suspicion, considering the high reputation in which the doctor is among the sons of liberty.

30. General Gage marched out about eleven hundred men into the country; who, doing much damage by throwing down the stone fences, occasioned a committee's waiting upon the Massachusetts congress on the Saturday, when upon the point of adjourning; which kept them sitting till they received on the Monday following, accounts by a vessel from Falmouth, of what parliament had done and was doing, in relation to their colony.

It was a providential circumstance that they had so early intelligence, and obtained it before general Gage had received his dispatches: they were careful to improve it. The intelligence spread fast, and induced more of the inhabitants of Boston to remove out of town. A number had been for some time withdrawing themselves. The town was liable to be converted instantly, at the discretion of the governor, into a secure prison; and the people of it might be held as hostages for the conduct of the province at large, or be kidnapped and sent to England, to stand trial for supposed offences. Continuance in it was hazardous to many, who had distinguished themselves by taking an active part against the measures of government. But the dauntless courage of some such inclined them to remain, though there was no knowing what private orders might be sent to general Gage; who was not inattentive to the service in which he was employed, while he evidenced a prevailing desire after a peaceable accommodation. He sent private orders to the commanding officer at New York, to purchase up all the duck, blankets, pickaxes, pots and other articles proper for camp service. Application was made by the officer to the Philadelphia merchants, who penetrated the design, and no less nobly than unanimously refused a compliance. Three of the New York merchants had for some time been buying up, selling and sending the several articles to Boston; but at length a stop was put to their proceedings by the influence of captain Sears, who, upon his return from Philadelphia, argued that they might want those things themselves, and made a considerable stir upon the occasion.

casion. But a great number were purchased at Portsmouth, before the discovery of the general's intention.

The news of the parliamentary proceedings encouraged the soldiery to insult the people more than ever: their conduct seemingly intimated, that they meant to provoke the other to begin the quarrel; while these bore all with patience, as they were determined not to be the aggressors. Nothing was wanting, but a spark to set the whole continent in a flame. The important moment, big with inconceivable consequences, was evidently approaching, when, through accident or design, it would be applied to those combustibles, which had been long collecting.

The grenadier and light infantry companies were taken off duty, upon the plea of learning a new exercise, which made the Bostonians jealous, that there was some scheme on foot. A daughter of liberty, unequally yoked in point of politics, sent word, by a trusty hand, to Mr. Samuel Adams, residing in company with Mr. Hancock at Lexington, about thirteen miles from Charlestown, that the troops were coming out in a few days. Upon this their friends at Boston were advised to move out their plate, &c. and the committee of safety voted, "that all the ammunition be deposited in nine different towns; and that other articles be lodged, some in one place, some in another, so as to the 15 medicinal chests, 2000 iron pots, 2000 bowls, 15000 canteens, and 1100 tents; and that the six companies of matrosses be stationed in different towns."

Mr. Adams inferred from the number to be employed, that these were the objects, and not himself and Mr. Hancock, who might be more easily seized in a

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private way by a few armed individuals, than by a large body of troops that must march, for miles together, under the eye of the public.

The provincial stores had been hitherto deposited at Worcester and Concord. To the last of these places, but half the distance of the other from Boston, the general turned his attention; and, being continually pestered by the repeated solicitations of the American tories, with whom he was surrounded, and who persuaded him there was no danger of resistance, their whig countrymen being too cowardly, he determined, without the advice of the council, when and in what way to attempt the seizure of the many stores supposed to be in the place.

A number of officers dined together at Cambridge, April^{18.} and toward night scattered themselves upon the road leading to Concord; and took their station so as to be ready to intercept any expresses going from Boston to alarm and raise the country, with intelligence of the troops being upon their march. When the corps was nearly ready to proceed upon the expedition, Dr. Warren, by a mere accident, had notice of it just in time to send messengers over the neck and across the ferry, on to Lexington, before the orders for preventing every person's quitting the town were executed. The officers intercepted several, but some being well mounted, escaped their vigilance; and the alarm, being once given, spread apace, by the ringing of bells, and the firing of signal guns and volleys. By eleven at night, eight hundred grenadiers and light infantry, the flower of the army, embarked at the common, proceeded and landed at Phipps's farm, from whence they marched for Concord,

cord, under the command of lieutenant colonel Smith, aided by major Pitcairn, who led the advanced corps.

19. About two in the morning, the Lexington company of militia, to the amount of one hundred and thirty, repaired to the green, close in with the meeting house. The air being chilly, and the intelligence respecting the regulars somewhat uncertain, the men, after the roll-call, were dismissed, with orders to appear again at beat of drum. Some went home, others to the adjoining public house. Word being brought between four and five, that the troops were not far off, they that were at hand collected, to the number of about seventy, by the time the regulars made their appearance. They were mostly in a confused state, and a few only were drawn up. There were present at the time about forty spectators without arms. The militia were too few to think of beginning an attack. But major Pitcairn rode round the meeting (as the meeting-house is generally called) and approaching them called out, "*Disperse you rebels, throw down your arms and disperse.*" An instant compliance not taking place, which he might construe into contempt, he rode a little further, fired his pistol, flourished his sword, and ordered the soldiers to fire, with which they complied, huzzaing upon the occasion. This produced an immediate dispersion; but the firing was continued. Individuals finding they were fired upon though dispersing, had spirit enough to stop and return the fire. Three or four were killed upon the green; the rest, making the whole number of the slain eight, were shot on the other side of the walls and fences, over which they had fled in order to escape. During this interesting period, Messrs. S. Adams and Hancock, whose residence

fidence was near at hand, quitted and removed to a further distance. While walking along, Mr. Adams exclaimed, "*O! what a glorious morning is this!*" in the belief that it would eventually liberate the colony from all subjection to Great Britain. His companion did not penetrate his meaning, and thought the allusion was only to the aspect of the sky. Left it should be said and believed, that the meeting was crowded with militia, before and during the fire, let me mention that there were only a man and a boy in it. The detachment marched on to Concord. The people of the town, having received the alarm, drew up in order for defence; but observing that the regulars were too numerous, retired over the north bridge and waited for reinforcements from the neighbouring towns. A party of light infantry followed, and possessed themselves of the bridge, while the main body entered the town, and proceeded to execute their commission. They disabled two twenty-four pounders, and destroyed their carriages and seven wheels for the same, with their limbers, beside sixteen wheels for brass three pounders, and two carriages with limber and wheels for two four pounders. They threw 500lb. of ball into the river, wells, and other places; and broke in pieces about sixty barrels of flour, half of which was saved. These were all the stores that they could discover and destroy, on the account of which a civil war has commenced between the colonies and the parent state. The inhabitants of Britain may see reason, for many ages, to curse the memory of the man or men, who has or have been at the foundation of this fatal catastrophe, should they ever be known. The militia being reinforced, Mr. John Butterick, of Concord, major of a

minute regiment, and who commanded, ordered the men not to give the first fire, that so the provincials might not be the aggressors, for he was ignorant of what had passed at Lexington. Upon his advancing with them, the light infantry retired to the Concord side of the river, and began pulling up the bridge; and on his approaching nearer, immediately fired and killed captain Isaac Davis of Acton, (who with his company of minute men made the front) and one of the privates. The fire was returned, a skirmish ensued, and the troops were forced to retreat, having several men killed and wounded, and lieutenant Gould (who would have been killed, had not a minister present prevented) with some others taken. One of their wounded, who was left behind, attempting to get up, was assaulted by a young fellow going after the pursuers to join them, who, not being under the feelings of humanity, barbarously broke his skull with a small hatchet and let out his brains, but neither scalped him nor cut off his ears. This event may give rise to some malevolent pen to write, that many of the killed and wounded at Lexington, were not only scalped, but had their eyes forced out of the sockets by the fanatics of New England: not one was so treated either there or at Concord. You have the real fact. The poor object languished for an hour or two before he expired.

The party was joined by the main body; and the whole detachment retreated with the utmost expedition; for all the country was now up in arms, and attacked the troops on every quarter. In their march of six miles back to Lexington, they were exceedingly annoyed, not only by those who pressed upon their rear; but

but by others, who fired upon them from behind the stone walls and other coverts, which supplied the place of lines and redoubts to the provincials. At Lexington they were joined by a detachment under Lord Percy.

The news of what had happened at Lexington in their way to Concord, flew to Boston and the neighbourhood. But the slaughter of the militia men was carefully concealed from general Gage, who was not made acquainted with it till late in the afternoon. He had however, early intelligence of the rising of the country; and therefore detached, about eight in the morning, Lord Percy with 16 companies of foot, and a number of marines, 900 men in the whole, and two pieces of cannon, to support colonel Smith. The brigade marched out, playing, by way of contempt, *Yankee Doodle*, a song composed in derision of the New Englanders, scornfully called *Yankees*. A smart boy observing it as the troops passed through Roxbury, made himself extremely merry with the circumstance, jumping and laughing, so as to attract the notice of his lordship, who, it is said, asked him at what he was laughing so heartily; and was answered, "To think how you will dance by and by to *Chevy Chase*." It is added, that the repartee stuck by his lordship the whole day.

You may wish to know the origin of the term *Yankee*. Take the best account of it which your friend can procure. It was a cant, favorite word with farmer Jonathan Hastings of Cambridge, about 1713. Two aged ministers, who were at the college in that town, have told me, they remembered it to have been then in use among the students, but had no recollection of it before that period. The inventor used it to express excellency.

cellency. A Yankee good horse, or Yankee cider and the like, were an excellent good horse and excellent cider. The students used to hire horses of him; their intercourse with him, and his use of the term upon all occasions, led them to adopt it, and they gave him the name of Yankee Jon. He was a worthy honest man, but no conjurer. This could not escape the notice of the collegiates. Yankee probably became a by-word among them to express a weak, simple, awkward person; was carried from the college with them when they left it, and was in that way circulated and established through the country (as was the case in respect to *Hobson's choice**, by the students at Cambridge in Old England) till from its currency in New England, it was at length taken up and unjustly applied to the New Englanders in common, as a term of reproach.

The junction of the brigade under Lord Percy, with the detachment under colonel Smith, gave the last a breathing time, especially as they now had cannon, which awed the provincials from pressing upon the rear in a direct line. But the whole force ventured not to halt long; for far and wide the minute-men and militia were collecting, in order to cut off their retreat to Boston. They soon renewed their march; constant skirmishing succeeded, and a continued fire, though often irregular and scattering on their side, as well as on the part of the provincials. The close firing from behind the walls, by good marksmen, for such were almost all the provincials, put the troops into no small confusion, and made it so dangerous for the officers, that they were more attentive to their safety than in common. Major Pitcairn

* See The Spectator, N^o 509.

quitted his horse, which was taken with the pistols in the holsters. The soldiers loaded and fired over the stone walls, when there was not a single man behind them. They were incommoded by the wind's blowing the smoke strongly back upon them all the time they were retreating; during which they burnt some houses, attempted others, and plundered many of every thing valuable, destroying what they could not carry off. They killed several innocent unarmed persons; and murdered two old men at Menotomy. Before they reached this place, a few Americans, headed by the Rev. Mr. Payson of Chelsea, who till now had been extremely moderate, attacked a party of twelve soldiers carrying stores to the retreating troops, killed one, wounded several, made the whole prisoners, and gained possession of their arms and stores, without any loss whatever to themselves. The regulars, when near Cambridge, were upon the point of taking a wrong road, which would have led them into the most imminent danger, but were prevented by the direction of a young gentleman residing at the college; by which mean they made good their retreat a little after sun set over Charlestown neck to Bunker's-hill, but spent and worn down by the excessive fatigues they had undergone, having marched that day between thirty and forty miles. Here they remained secure till the next day, when they crossed at Charlestown ferry and returned to Boston.

Lieutenant-colonel Smith was much displeased with the soldiers' firing at Lexington; probably general Gage had given orders that they should not fire unless they were first fired upon. Major Pitcairn undoubtedly directed them to fire from the mistaken apprehension he

had entertained of American resolution, for he has the character of a good tempered officer. There were never more than about four hundred provincials together, attacking at one and the same time; and often scarce that number. But as some tired and gave out, others came up. They had very little appearance of discipline. Privates and officers fired away as they had opportunity of doing execution, without waiting for the word of command: and used their knowledge of the country, to gain the opportunity, by crossing fields and fences, of acting as flanking parties against the regulars while these proceeded along the road. Colonel Pickering of Salem had the command of a fine well exercised provincial regiment: had he pushed on with his men, so as to have headed the British before they had gained Charlestown neck, (and he was near enough) they must have clubbed their firelocks, for they were quite wearied out with the services of the day, and had but a round or two of ammunition remaining. No satisfactory reason has been assigned for the want of greater alertness in colonel Pickering's regiment. The British officers are astonished, chagrined, and mortified beyond measure at what has happened. It's death to all their glorying, that their best troops have been obliged in this manner to flee before a number of *Yankees*, "when all the officers in general did every thing that men could do, and when the soldiers behaved with their usual intrepidity*." They are sore at heart upon the occasion. They have had 1 lieutenant killed, 2 lieutenant colonels wounded, Smith is one, 2 captains and

* See general Gage's account of the behaviour of the troops in the London Gazette.

9 lieutenants wounded, 1 lieutenant missing, 2 ensigns wounded, 1 serjeant killed, 7 wounded, 2 missing, 1 drummer killed, 1 wounded, 62 rank and file killed, and 157 wounded; in all 65 killed, 180 wounded, and 28 made prisoners; total 273.

Of the provincials 50 have been killed, 34 wounded, and 4 are missing; in all 88. The following officers and gentlemen are of the number, viz. justice Isaac Gardner of Brookline, capt. Isaac Davis of Acton, capt. Jonathan Wilson of Bedford, lieut. John Bacon and serjeant Elisha Mills of Needham, and Deacon Josiah Haynes of Sudbury killed; capt. Eleazer Kingsbury of Needham, capt. Samuel Williams of Cambridge, captains Charles Miles, Nathaniel Barret and George Minot of Concord, capt. Oliver Barns and Deacon Aaron Chamberlain of Chelmsford wounded. The persons who have fallen are regretted with the deepest concern, and are honored not only as patriots, but as martyrs, who have died bravely in the cause of their country.

Captains John Ford and Oliver Barron, and Deacon Davis, all of Chelmsford, distinguished themselves in the course of the day. It can be fully proved that capt. Ford killed five regulars. James Howard, a private in the Acton company, and a regular coming out of a house, caught sight of each other, and discharged their pieces at the same instant; both shots taking effect, the last dropt down dead, and the first expired a few hours after. A big boy joined in the chase of the retreating troops, and was very expert in firing at them, at length a ball from the enemy grazed his head, and produced

a flesh wound : he soon recovered the shock, bound up his head with a handkerchief, and renewed his pursuit.

Two British officers who have been taken, and the privates, who are wounded and prisoners, are treated with humanity by the provincials; and general Gage may, if he pleases, safely send his surgeons to dress and attend them.

If the contest is to become general between the colonies and the mother country, it may be deemed a happiness for them that it has commenced in the Massachusetts, where all the inhabitants are so connected with each other by descent, blood, uniformity of manners, similarity of religious and civil sentiments, mediocrity of circumstances, and a general equality, that the killing of a single individual interesteth the whole province in the event, and makes them consider it as a common cause.

The inhabitants are now every where in arms; and collecting in such numbers about Boston, that they will not only invest the town effectually, but excite disagreeable apprehensions in general Gage. No one is suffered to go in or out at present. The provincials have for their commander in chief, a native of the Massachusetts, general Ward; the honorable Jedediah Prebble having, more than a month ago, declined on account of his bad health. General Ward might have pleaded the like excuse; but he wishes to serve his country to the utmost of his abilities, and is ready to risk his life in the cause of American liberty. He is to be trusted, being a gentleman of great integrity. His commission as commander in chief of the Bay troops was delivered to him

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on the 20th, by the provincial congress. Three days^{20.} after, they chose general John Thomas lieutenant general.

The day general Ward received his commission, the committee of safety sent letters to New Hampshire and Connecticut, with an account of the enemy's proceedings the day before, and praying all the assistance in their power. The next day they agreed upon inlisting 8000 men out of the Massachusetts forces: but the provincial congress being adjourned from Concord to Watertown, resolved the succeeding day, "that an army of 30,000 men be immediately raised and established; that 13,600 be by this province; and that a letter and delegate be sent to the several colonies of Hampshire, Connecticut and Rhode Island." Head quarters are at Cambridge; and the students quit the college that the provincials may be accommodated. General Thomas commands at Roxbury. He is a cool, courageous, discerning, and active officer, well qualified for guarding the important post he occupies, and preventing the enemy's making a sally over the neck into the country, should they be inclined to attempt it: but for the present they are more afraid of being attacked.

General Gage, to secure the people within from taking up arms against the king's troops, in case of an assault, has agreed with the committee of the town, after a long^{22.} conference; that, upon the inhabitants in general lodging their arms in Faneuil-hall, or any other convenient place, under the care of the selectmen, all such inhabitants as are inclined may depart from the town with their families and effects; that those who remain may depend upon his protection; and that the arms afore-

said, at a suitable time, shall be returned to the owners. The town agreed to this proposal, and their vote upon it was read by the committee, upon their return to his excellency, who accepted it; and further agreed, that the inhabitants may remove from town by land and water with their effects, within the limits specified by the port-act. He also informed the committee, that he would desire the admiral to lend his boats to facilitate the removal of the effects of the inhabitants; and that he would allow carriages to pass and repass for that purpose. He said likewise, that he would take care that the poor, who may remain in town, shall not suffer for want of provisions after their own stock is expended; and desired that a letter might be written to Dr. Warren, chairman of the committee of congress, that those persons in the country, who may incline to remove into Boston with their effects, may have liberty so to do without molestation. An account of these proceedings was sent to Dr. Warren; who was further informed by the town-committee, "Permission will be given for
25. 30 waggons to enter the town at once, to carry away the effects of the inhabitants; so soon as those have returned to the end of the causeway leading to Roxbury, then others will be permitted to come in. None will be permitted to enter till after sun rise, nor remain after sun set. If any vessel or boat now in the harbour be employed to remove the inhabitants effects, security must be given that it be returned. It is expected, that leave be obtained for some persons to go to the different parishes, to give notice to such persons who incline to come with their effects into Boston, that they may come without molestation; and it is desired, that the waggons
and

and vessels employed to come to carry away the goods of the inhabitants of Boston, may bring the effects of those who are desirous to leave the country, they paying half the charge."

Doctor Warren has this day written to general Gage. 26.

"SIR,

THE unhappy situation into which this colony is thrown, gives the greatest uneasiness to every man, who regards the welfare of the empire, or feels for the distresses of his fellow men; but even now much may be done to alleviate those misfortunes which cannot be entirely remedied; and I think it of the utmost importance to us, that our conduct be such, as that the contending parties may entirely rely upon the honor and integrity of each other, for the punctual performance of any agreement that shall be made between them. Your excellency, I believe, knows very well the part I have taken in public affairs. I ever scorned disguise. I think I have done my duty; some may think otherwise: but be assured, Sir, as far as my influence goes, every thing, which can reasonably be required of us to do, shall be done; and every thing promised shall be religiously performed. I should now be very glad to know from you, Sir, how many days you desire may be allowed for such as desire to remove to Boston with their effects, and what time you will allow the people in Boston for their removal. When I have received the information, I will repair to congress, and hasten as far as I am able the issuing a proclamation. I beg leave to suggest, that the condition of admitting only thirty waggons at a time into the town, appears to me very inconvenient, and will prevent

vent the good effects of a proclamation intended to be issued for encouraging all waggoners to assist in removing the effects from Boston with all possible speed. If your excellency will be pleased to take the matter into consideration, and favor me as soon as may be with an answer, it will lay me under a great obligation, as it so nearly concerns the welfare of my friends in Boston. I have many things which I wish to say to your excellency, and most sincerely wish I had broken through the formalities which I thought due to your rank, and freely had told you all I knew or thought of public affairs, and I must ever confess, whatever may be the event, that you generously gave me such opening as I now think I ought to have embraced; but the true cause of my not doing it, was the knowledge I had of the vileness and treachery of many persons around you, who I suppose had gained your entire confidence.

I am, &c. &c."

The committee of safety have sent letters to Rhode Island and Connecticut, importuning immediate assistance; and that as large a number of troops as can be spared, may be immediately marched forward, well stocked with provisions and ammunition, and accompanied with as large a train of artillery as can be granted. They express their determination, at all events, to act their parts with firmness and intrepidity, knowing that slavery is far worse than death.

The committee appointed to examine into the damages done on the 19th at Cambridge, Lexington and Concord, have reported that by fire, robbery and destruction, the same are as follows: at Cambridge 90 l.

16s. 5d. $\frac{1}{4}$; at Lexington 1320l. 16s. 0d. $\frac{3}{4}$; and at Concord 206l. 2s. 5d. $\frac{1}{4}$, in all 2428l. 14s. 11d. $\frac{1}{2}$ sterling. The parties exhibited their accounts on oath, and the greatest care was taken, that the state of the damages might be just.

My friend Quincy has sacrificed his life for the sake of his country. The ship in which he sailed, arrived at Cape Anne within these two days: but he lived not to get on shore, or to hear and triumph at the account of the success of the Lexington engagement. His remains will be honorably interred by his relations. Let him be numbered with the patriotic heroes; who fall in the cause of liberty; and his memory be dear to posterity. Let his only surviving child, a son of about three years, live to possess his noble virtues, and to transmit his name down to future generations. You have my warmest acknowledgments for your last manuscript. See that you embrace every safe opportunity of continuing your correspondence; you will find me in that line of conduct.

The supreme power now extant in the Massachusetts has given their first naval commission to captain *John Derby* of Salem, who is intrusted by the provincial congress with dispatches for Dr. Franklin, containing an account of the Lexington fight, and an address to the inhabitants of Great Britain. He sails without delay. In the address the congress profess to place much dependence on the honor, wisdom and valor of Britons, from which they hope for their interference in preventing the prosecution of present measures. They make great professions of loyalty: but declare, that they will not tamely submit to the persecution and tyranny of a

cruel ministry; and that they are determined to die or be free. They appeal to Heaven for the justice of their cause. Should not an accommodation take place, Heaven must grant them its special protection, or they will be crushed before the power of Britain, notwithstanding all that the other colonies can do for them: unless the officers, who are employed against them, are not supplied with an adequate force, or are wretchedly defective in courage, inclination, activity, prudence, or other military abilities: or unless some foreign power, for its own interest and to injure the parent state, takes them by the hand. Their military stores are scarce worth mentioning. They reckon upon sixteen field pieces. It is well if six of them are calculated for much actual service. There are four brass ones, of a small size, that may answer a good purpose. They have a few large iron cannon, two or three mortars and howitzers, cannon ball, and shells; but they have only eighty-two half barrels of powder belonging to the public store; most towns have a small quantity, that however will be soon exhausted. Considering what ought to be the case, to warrant a reasonable expectation of success, in a military contest with a nation that abounds in all the apparatus of war, they may be pronounced destitute of every article but men; and, though these are not wanting in natural courage, it will take a considerable time to make them thorough good soldiers. They have neither money nor magazines.

L E T T E R XIII.

London, June 12, 1775.

THE restraining and fishery bill did not pass through the house of lords with less opposition than what it had met with in the house of commons. Upon the motion for committing it after the second reading, the marquis of *Rockingham* opposed it with great ability; and in the course of his speech showed, that in 1704 the whole amount of the exports to the New England colonies was only about 70,000*l.* annually; that in 1754 it had arisen to 180,000*l.* in the succeeding ten years to 400,000*l.* and in the last ten years had nearly doubled that sum.

The bill was carried by a majority of more than three to one; but was productive of a protest, signed by sixteen lords. It is particularly distinguished, by the severe censure passed upon a lord high in office, who in the late debates, most unadvisedly threw out a charge of general cowardice against the Americans.

The fishery bill had scarcely cleared the house of commons, when Lord North brought in another, "To Mar. restrain the trade and commerce of the colonies of New Jersey, Pennsylvania, Maryland, Virginia, and South Carolina, to Great Britain, Ireland, and the British islands in the West Indies, under certain conditions and limitations." While this bill was in agitation, a long series
of

of evidence, in behalf of the West India merchants and planters, was laid before the house. It appeared, that upon a very moderate computation, the capital in the West India islands, consisting of lands, buildings, negroes, and stock of all kinds, did not amount to less than sixty millions sterling; that their exports of late years to Britain, ran to about 190,000 hogshheads and puncheons of sugar and rum annually; amounting in weight to 95,000 tons, and in value about 4,000,000*l.* exclusive of a great number of smaller articles, and of their very great export to North America; that their growth was so rapid, and improvement so great, that within a few years, their export of sugar to this kingdom was increased 40,000 hogshheads annually, amounting to about 800,000*l.* in value. The probability was apparent, that more than half of the capital of 60,000,000*l.* was either the immediate property of persons resident in this country, or owing to them; and also that the revenue gained above 700,000*l.* a year upon the direct West India trade, exclusive of its eventual and circuitous products, and of the African trade.

20. Mr. Burke made a number of conciliatory propositions with respect to the colonies, contained in a set of resolutions, which he accompanied and elucidated by a celebrated speech. He traced that unconquerable spirit of freedom, that violent passion for liberty, by which the colonists are distinguished from all other people of the world, from the sources of their descent, education, manners, religious principles, forms of government, and distance from the head of the empire. He made it appear, that the whole exports to North America, the West Indies and Africa, in 1704, (from England it must

must be, for the union of the two kingdoms had not then taken place) amounted only in value to 569,930*l*. but the comparative value of money at that period was much greater than at present. In 1772, the exports from Great Britain to the same places, amounted at a medium, to no less than 6,024,171*l*. He also showed, that the *whole export* trade of England, including that to the colonies, amounted in 1704, only to 6,509,000*l*. Thus the trade to the colonies alone was, in 1772, within less than half a million of being equal to what was carried on by England with the whole world, at the beginning of the present century. However astonishing this general increase of the whole colonies may appear, the growth of the province of Pennsylvania is still more extraordinary. In 1704, the whole exports to that colony amounted to no more than 11,459*l*. and in 1772, they were risen to 507,909*l*. being nearly fifty times the original demand, and almost equal to the whole colony export at the first period. This astonishing growth of the colonies, within little more than half a century, and the prodigious share they contribute to our greatness, makes them a matter of the first importance to ourselves, and must excite the admiration of future ages.

The previous question was moved on the first proposition, and carried by 270 to 78; and thus ended the business.

But the ill success which has attended all conciliatory propositions hitherto, excepting those which have originated from government, did not deter Mr. Hartley ²⁷ from making a similar attempt. The motion however was rejected without a division.

During

During the progress of the second restraining bill, an additional clause was moved for by the minister, whereby the counties of Newcastle, Kent and Suffex on the Delaware, were included in the prohibitions of that bill, and carried without a division.

While these matters were transacting, several petitions were received from manufacturing towns in Britain and Ireland against the coercive acts. Some counter-petitions were also received, calling for an enforcement of the laws of Britain, as the only means of preserving a trade with the colonies. Much altercation arose on the truth of facts alleged on both sides, as well as on the manner of obtaining the signatures, and the quality of those who signed. The minority insisted, that the most who signed the war-petitions, as they called them, were persons who had little or no interest in the American trade, but of that description of warm and active party-men commonly called tories. And they entered into several examinations to prove the truth of the former part of their assertion. This produced many long and hot debates. Other petitions were presented to the crown, and equally disregarded: one from the British settlers in Canada against the Quebec bill; one from the quakers, in which besides endeavouring to diffuse the influence of that spirit of peace, which is the predominant principle in their religious system, they declared themselves persuaded, that there are not in his majesty's extensive dominions, subjects more loyal, and more zealously attached to his royal person, his family and government, than in the provinces of America, among all religious denominations. His majesty however, went in person to the house, and gave the royal assent.

assent to the restraining and fishery bill in the usual form. In this season of public discontent, when the minds of all were agitated on one side or other, the city of London, not discouraged by the fate of all its applications for a number of years past, once more approached the April throne, with an address, remonstrance and petition,^{10.} upon a subject, and in a manner, as little calculated to obtain a favorable reception as any of the preceding. In this remonstrance they recapitulated the whole catalogue of American grievances; declared their abhorrence of the measures which had been pursued, and were then pursuing; and justified the resistance to which the Americans had been driven, upon the great principles of the constitution; "actuated by which," they said, "at the glorious period of the revolution, our ancestors transferred the imperial crown of these realms to the illustrious house of Brunswick." They beseeched his majesty immediately and for ever to dismiss from his councils, those ministers and advisers, who had been at the bottom of the preceding measures. His majesty delivered the following answer, "It is, with the utmost astonishment, that I find any of my subjects capable of encouraging the rebellious disposition, which unhappily exists in my colonies in North America. Having entire confidence in the wisdom of my parliament, the great council of the nation, I will steadily pursue those measures which they have recommended for the support of the constitutional rights of Great Britain, and the protection of the commercial rights of my kingdom."

The earl of Effingham has uniformly opposed the whole system of measures pursued against the Americans; and finding that the regiment in which he served

was at length destined for America, and thinking it inconsistent with his character, and beneath his dignity, to enforce measures with his sword, which he had so utterly condemned in his legislative capacity, he wrote a letter of resignation to the secretary of war. In it he deeply regretted his being necessitated to quit the military profession; but said, "I cannot, without reproach from my own conscience, consent to bear arms against my fellow subjects in America, in what, to my discernment, is not a clear cause." Pity that it is not a point of honor with all military officers, to consider the merits of the cause wherein their swords are to be employed, and when they are not satisfied in their own judgments, to practise as the noble earl has done. Such a point of honor might hinder many a war.

The British ambassador at the Hague applied to the states to forbid their subjects supplying the Americans with arms, ammunition, gunpowder, &c. and they by proclamation prohibited the exportation of all such articles, in Dutch or foreign ships, from any of their dominions, without licence, on penalty of forfeiting about 90*l.* sterling. Judge, whether the profits of the voyage will not be so great as to make it worth the merchants while to run the risk of that sum. Let the American vessels repair to Holland, and the Dutch will furnish them with gunpowder in large glass bottles of several gallons dimension, under the notion of spirits or liquor of one kind or other *. France was also applied to, and could have crushed all assistance, by express prohibition; but only told her subjects, that if they afforded any, it was at their own risk, tantamount to—if you

* This was practised.

will venture you may. Spain roundly refused giving the least hinderance to her subjects.

His majesty went to the house of peers, and gave the ^{13.} royal assent to the bill for restraining the trade of New Jersey, Pennsylvania, &c. Thus the probability of the colonies dividing from each other is lessened, and their union becomes more established. Some future proceedings in the provinces of New York and North Carolina, will be likely to consolidate the whole continent.

The American fisheries being now abolished, measures were necessary to supply their place, and to guard against the consequences of the foreign markets, either changing the course of consumption, or falling into the hands of strangers. It was also expedient to pay a greater attention to the interests of Ireland, than what had been practised for many years. The minister therefore moved for a committee of the whole house to con- ^{27.} sider of the encouragement proper to be given to the fisheries of Britain and Ireland. The committee in its progress granted several bounties to the ships of Britain and Ireland, for their encouragement in prosecuting the Newfoundland fishery; and two resolutions were introduced and passed in favor of the latter kingdom. Complaints however were made, that clauses were insidiously stolen into the act to prevent its operating in any considerable extent. The committee agreed also to the granting of bounties for encouraging the whale fishery, and to take off the duties payable upon the importation of oil, blubber, and bone from Newfoundland, &c. and on the importation of seal skins.

Ministry have not confined themselves to the making of laws; they have also sent out against the Americans,

generals Howe, Clinton and Burgoyne, in the Cerberus. The transports with troops to re-enforce governor Gage, failed a week after from Corke.

May 15. Toward the close of the session, Mr. Burke acquainted the house, with his having received a paper of great importance from the general assembly of New York. He observed, that it was a complaint, in the form of a remonstrance, of several acts of parliament, some of which they affirmed, had established principles, and others had made regulations, subversive of the rights of English subjects. He afterward moved, that it might be brought up. The minister immediately moved an amendment, which proved an indirect but effectual negative upon Mr. Burke's motion. The amendment was carried by a majority of 186 to 67; the question being then put upon the amended motion, it was rejected without a division. The New York memorial to the lords was brought in by the duke of Manchester, who moved for its being read. After some altercation the question was called for, and upon a division the motion was rejected by a majority of 45 against 25. The petition to the king was received, but the prayer of the petitioners was not granted. Such is the fate of the applications made by the general assembly of New York, for a redress of their supposed grievances. It must tend to widen the breach between Britain and the colonies.

17. Lord Camden presented a petition to the house of lords from the British inhabitants of the province of Quebec, in which they stated their grievances, and implored their lordships favorable interposition, that the Quebec-act might be repealed or amended, and that they might enjoy their constitutional rights, privileges, and

and franchises. His lordship, after-expatiating on the evils of the act, proposed a bill, which was read, for the repeal of the late act. This measure was strongly opposed by administration, and a motion was made by lord Dartmouth, that the bill be rejected; which was carried by a majority of sixty out of eighty-eight, there being only twenty-eight lords who supported the bill. Much censure having been expressed or implied, both within doors and without, relative to the whole conduct of the bishops in the Canada transaction, the reverend father of that bench, stood up during the debate to justify the Quebec-act, so far as it related to religious matters, which he did upon the principles of toleration, the faith of the capitulation, and the terms of the definitive treaty of peace; but many were far from being convinced, that these principles required such a full and perfect establishment of the popish religion, as is granted by the act itself.

Sir George Saville presented to the house of commons, 18. another petition from the same inhabitants of Quebec, in which among other things, they represented with too much truth, that the petition to his majesty, in the name of all the French inhabitants of that province, and upon which the late law had been avowedly founded, was not fairly obtained, and had neither received the concurrence of the people in general, nor even been communicated to them, but had been carried about in a secret manner, and signed by a few of the noblesse, advocates, and others, who were in their confidence. They affirmed that the inhabitants in general were as much alarmed as themselves, at the introduction of the Canadian laws. They concluded by praying, that the
said

said act might be repealed or amended. Sir George examined and laid open the weak or obnoxious parts of the act, and threw new light even upon those which had already undergone the highest degree of colouring, and then concluded his speech with moving for a repeal of the late act for the better government of the province of Quebec. Considerable debates ensued, in the course of which the minister avowed his intention, if it should become necessary, of arming the Canadians against the other colonies. But he declared his firm persuasion, that the troubles in America, would be speedily and happily settled without bloodshed. Notwithstanding this declaration it was whispered, that he was uneasy, and from what general Gage wrote last, dreaded the news by the April packet. For some, who professed to have the best information, asserted that orders were sent to apprehend Messrs. Cushing, Samuel Adams, Hancock and others, and to transport them to Great Britain; and that the receipt of these orders had been acknowledged; but that second orders had been dispatched to hang them at Boston. Sir George Saville's motion was rejected by a majority of more than two to one, the numbers being 174 to 86.

26. The speaker, when he presented the money bills for the royal assent, gave an assurance in his speech to his majesty, that if the Americans persisted in their resolutions, and the sword must be drawn, the commons would do every thing in their power to maintain and support the supremacy of this legislature.

The king gave his royal assent to the several bills, both public and private, which remained to be passed into

into acts; and closed the session by a speech from the throne, in which he expressed the most perfect satisfaction in the conduct of the parliament, during the course of their session; and his persuasion, that the most salutary effects must, in the end, result from measures formed and conducted on such principles, as those on which they had acted. A favorable representation was made of the pacific disposition of other powers, and the usual assurance given of endeavouring to secure the public tranquillity.

Captain Derby arrived with his dispatches for Dr. 28. Franklin, got to London in the evening, and delivered them to Dr. Lee, as the other agent had left the country. The circulated accounts of the action were vague; it was plain however, that the troops had been worsted; and that government feared it, though they disclaimed all knowledge of what had happened.

The Sukey, captain Brown, though she sailed four days before captain Derby's vessel, did not arrive till ^{June} the ninth of June with general Gage's dispatches. The 9. Gazette has given us the governmental account of the Lexington engagement. From the praises bestowed upon officers and men for their activity and bravery, it is evident, that the Americans made the business of the day a hard, difficult and dangerous service to them. The nation in general is not so shocked with this transaction, as the importance of it requires. It was a fatal mistake to send soldiers instead of shipping; and no less so to order them to Boston, instead of planting them in New York (where government has a strong interest) and securing a fortified line of communication from
thence

thence to Canada, with which to divide the southern from the New England colonies.

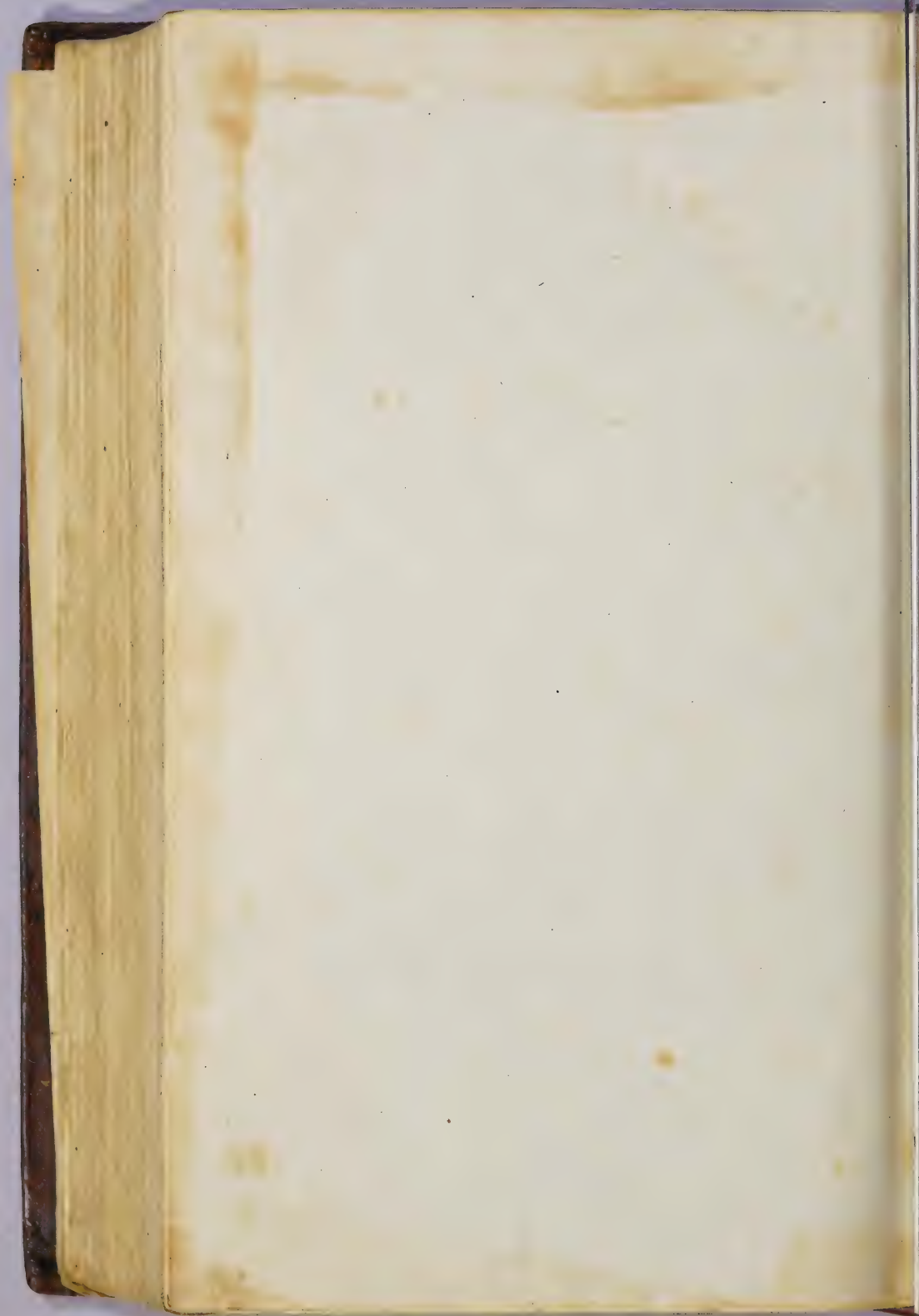
Six more regiments of foot have received orders to hold themselves in readiness to embark for America. They are encouraged by an expectation, into which they are drawn by the informations given them, of possessing farms and other confiscated property.

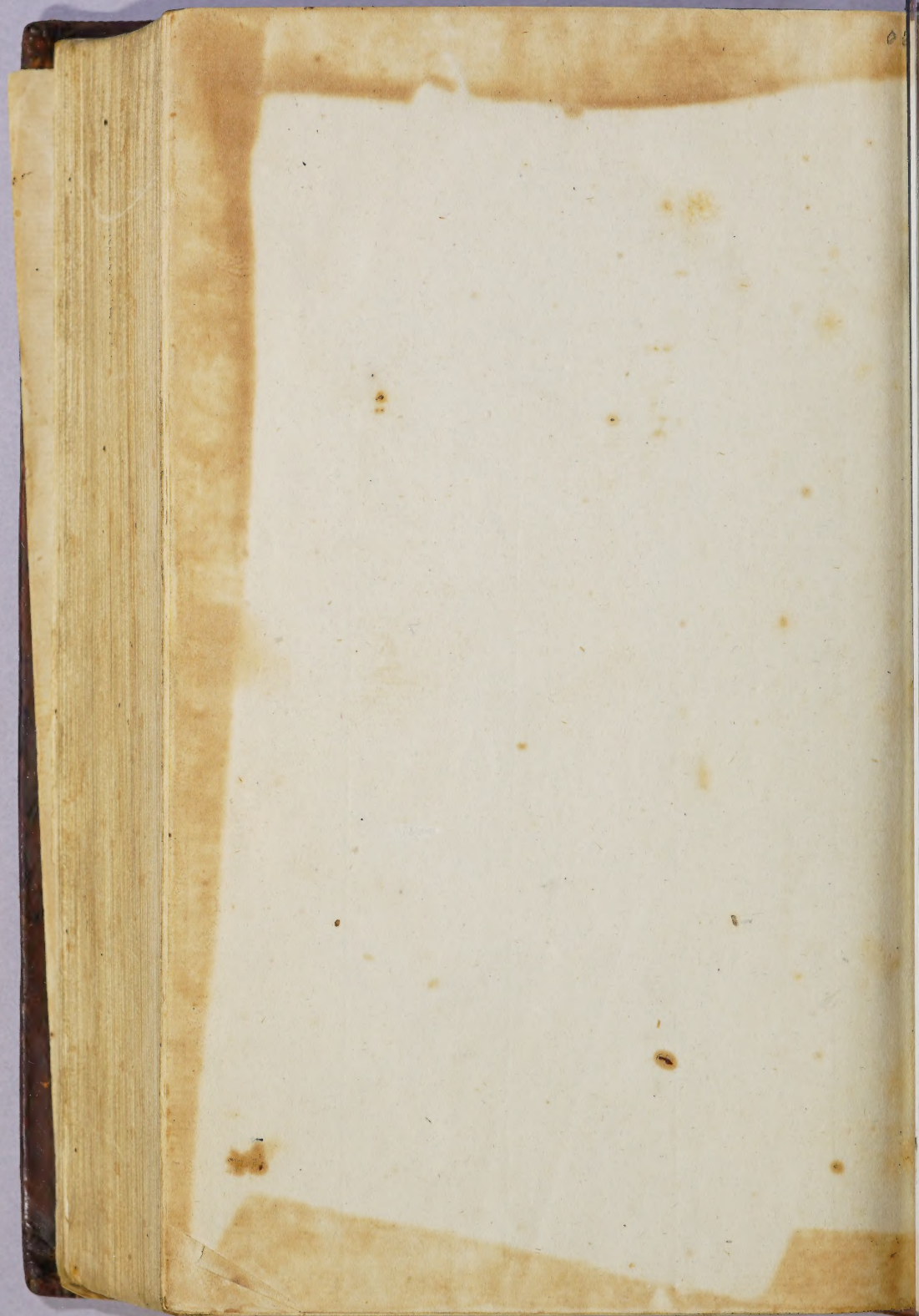
THE END OF THE FIRST VOLUME.

E R R A T A.

Page 67, line 12, *read*, proprietary, the burgesſes and thoſe freemen.
 P. 120, *dele* the ſide date 1753. P. 121, l. 12, add on the ſide 1753. L. 25, *for* fat, *read* ſet. P. 135, l. 24, *read* was to be made. P. 140, l. 16 and 17, *read* Barnſtable in Barnſtable county. P. 144, l. 8, *read* engaged. P. 183, l. 28, *read* beſet. P. 197, l. 12, *inſert*—at the end. P. 318, l. 2, *read* with that amazing.

The reader is deſired to correct the above noted errors, and candidly to excuſe what other typographical ones have eſcaped obſervation.





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